This is a digital copy of a book that was preserved for generations on library shelves before it was carefully scanned by Google as part of a project to make the world's books discoverable online.

It has survived long enough for the copyright to expire and the book to enter the public domain. A public domain book is one that was never subject to copyright or whose legal copyright term has expired. Whether a book is in the public domain may vary country to country. Public domain books are our gateways to the past, representing a wealth of history, culture and knowledge that's often difficult to discover.

Marks, notations and other marginalia present in the original volume will appear in this file - a reminder of this book's long journey from the publisher to a library and finally to you.

Usage guidelines

Google is proud to partner with libraries to digitize public domain materials and make them widely accessible. Public domain books belong to the public and we are merely their custodians. Nevertheless, this work is expensive, so in order to keep providing this resource, we have taken steps to prevent abuse by commercial parties, including placing technical restrictions on automated querying.

We also ask that you:

+ *Make non-commercial use of the files* We designed Google Book Search for use by individuals, and we request that you use these files for personal, non-commercial purposes.

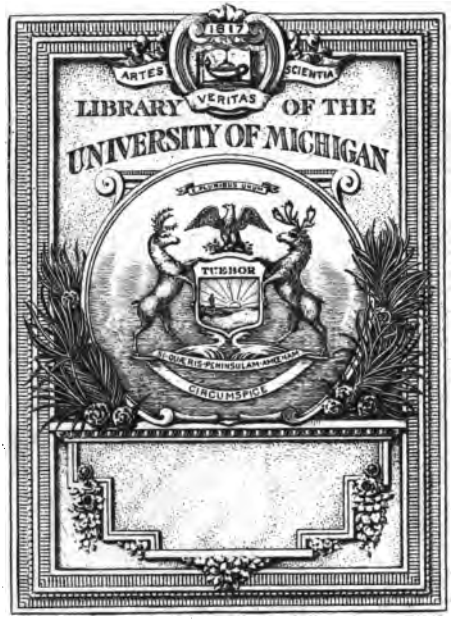
+ *Refrain from automated querying* Do not send automated queries of any sort to Google's system: If you are conducting research on machine translation, optical character recognition or other areas where access to a large amount of text is helpful, please contact us. We encourage the use of public domain materials for these purposes and may be able to help.

+ *Maintain attribution* The Google "watermark" you see on each file is essential for informing people about this project and helping them find additional materials through Google Book Search. Please do not remove it.

+ *Keep it legal* Whatever your use, remember that you are responsible for ensuring that what you are doing is legal. Do not assume that just because we believe a book is in the public domain for users in the United States, that the work is also in the public domain for users in other countries. Whether a book is still in copyright varies from country to country, and we can't offer guidance on whether any specific use of any specific book is allowed. Please do not assume that a book's appearance in Google Book Search means it can be used in any manner anywhere in the world. Copyright infringement liability can be quite severe.

About Google Book Search

Google's mission is to organize the world's information and to make it universally accessible and useful. Google Book Search helps readers discover the world's books while helping authors and publishers reach new audiences. You can search through the full text of this book on the web at `http://books.google.com/`


1817
ARTES
SCIENTIA
VERITAS
LIBRARY OF THE
UNIVERSITY OF MICHIGAN
TUEBOR
CIRCUMSPICE

THE

TRIAL

OF

JOHN HORNE TOOKE,

FOR

High Treaſon,

AT THE

SESSIONS HOUSE IN THE OLD BAILEY,

ON

Monday the Seventeenth, Tueſday the Eighteenth, Wedneſday the Nineteenth, Thurſday the Twentieth, Friday the Twenty-firſt, and Saturday the Twenty-ſecond of November, 1794.

VOL. II.

TAKEN IN SHORT-HAND,

By JOSEPH GURNEY.

LONDON:

SOLD BY MARTHA GURNEY, BOOKSELLER, HOLBORN-HILL,

1795.

DA
506
.T6
A2
1795
v. 2

Ref-Stacks
Law
10-15-51
76037

THE

TRIAL

OF

JOHN HORNE TOOKE

FOR

HIGH TREASON.

Major Cartwright,

Croſs-examined by *Mr. Attorney General.*

Q. AS far as appears by the books of the Conſtitutional Society, the laſt time you were preſent, in that Society, was the 25th of May, 1792?

A. It muſt have been ſomewhere about that time.

Q. Have you ſeen Mr. Tooke ſince the 25th of May, 1792?

A. I think it is highly probable that I attended at the Society till about the time that I left town, ſince which I have not ſeen Mr. Tooke, till I ſaw him in this Court.

Q. Of courſe you can know nothing of the proceedings of the Conſtitutional Society ſince May, 1792, except as you may have ſeen them in print, or otherwiſe—You have not been preſent at any that paſſed?

A. Certainly not.

Q. You were no party to the addreſſes to France?

A. I was a party to one addreſs; I cannot recollect the date; but I was preſent at that Society, to the beſt of my remembrance, when a letter, or an addreſs, or ſomething of that kind, was ſent to the Society called the Friends of the Conſtitution, or Friends of Freedom, at Paris, known by the name of Jacobins.

10-15-51 mcd

Q. That muſt have been before the 25th of May, 1792, as that was the laſt day that you were in the Society?

A. To be ſure.

Q. With reſpect to any future addreſſes to France, you were no party to them?

A. Certainly not.

Q. You were no party to any correſpondence with Norwich, or any other place, about a Convention to be held, either in Scotland or England?

A. While I attended the Society I do not remember that the ſubject of a Convention was agitated.

Q. You were, of courſe, not a member of the Society at a time when a letter was written to the Editor of the Patriot, at Sheffield, in which it is ſtated that the vipers, Monarchy and Ariſtocracy, are writhing under the graſp of infant Freedom, and, in which the Society ſays, may peace, happineſs, and ſucceſs attend its efforts?

A. I do not remember any correſpondence of that kind.

Q. Do you remember any converſation previous to the 25th of May, 1792, (what paſſed afterwards you do not know) in which Monarchy and Ariſtocracy were ſpoken of by any body as vipers writhing under the graſp of infant Freedom?

A. I do not remember ſuch converſation.

Q. If any member of your Society had ſaid, in a letter to a country Society, that the vipers, Monarchy and Ariſtocracy, were writhing under the graſp of infant Freedom, and expreſſed his hopes that ſucceſs ſhould attend thoſe efforts, you would have been vaſtly ſurpriſed, ſhould not you?

A. It would have depended upon the particular circumſtances to which the letter applied.

Q. Do you mean to ſay that if it had been convenient to write a letter with ſuch expreſſions, that it would not have ſurpriſed you if ſuch a letter had been written?

A. If it had applied to any Government where Monarchy and Ariſtocracy had been vipers to Freedom, I ſhould have thought it well applied.

Q. Then,

Q. Then, I aſk you, if it had been applied to the Engliſh Monarchy, by any member of your Society, after May, 1792, ſhould not you have been ſurpriſed?

A. That is a general queſtion, to which it is very difficult to give a clear and ſatisfactory anſwer; becauſe I conceive that the meaning and the force of expreſſions depend upon the context of the compoſitions in which they are introduced.

Q. I quite agree with you in that, there is no doubt about it that it does—You have ſtated what, indeed, all the world knew, that you were the father, at leaſt you are complimented with the title of the father, of the Society for Conſtitutional Information—You have likewiſe ſtated, if I underſtand you, that you were, and ſtill are, a member of the Society of the Friends of the People?

A. Yes.

Q. You have alſo ſaid that the letter which the Society for Conſtitutional Information ſent the Friends of the People, was a ſolemn admonition to them for the purpoſes you have mentioned?

A. Yes.

Q. I take for granted that you could not poſſibly doubt but that that letter would be very well underſtood to be ſuch by thoſe to whom it was addreſſed—Have you ſeen the letter?

A. In ſo large a Society, as that of the Friends of the People, I thought that it was very likely that there might be different opinions formed; becauſe, in large Societies, that which may appear to one man to be good and wholeſome advice, may, to others, appear offenſive, becauſe every man has not ſenſe to take advice.

Q. You are a member, you ſay, of the Friends of the People?

A. Yes.

Q. You may recollect my Lord John Ruſſel's writing an anſwer to that letter?

A. I do.

Q. You may recollect alſo that, at a general meeting of the

Friends of the People, Lord John Ruſſel's anſwer was approved by the Society of the Friends of the People?

A. I think I do remember it.

Q. Poſſibly you may recollect then that the general body of the Friends of the People, of whom you were one, ſtated to the Society for Conſtitutional Information, that they would have no further correſpondence with the Society for Conſtitutional Information, becauſe they looked upon the reſolutions and proceedings in that letter of the Society, as inimical to the principles upon which they propoſed to inform and enlighten the people?

Major Cartwright. There is ſo much contained in the queſtion, that I have not a clear recollection of it.

Mr. Attorney General. You may recollect then that the general body of the Friends of the People declined having any more intercourſe with the Conſtitutional Society—do you recollect that?

A. Yes.

Q. Do you recollect that the Friends of the People looked upon the reſolutions and proceedings in that letter as inimical to the principles upon which they propoſed to inform and to enlighten the people?

A. I believe there was to that effect; I cannot recollect the words; but I remember when it was agitated in the Society of the Friends of the People, whether this letter ſhould be ſent; I think it was upon that queſtion that there was ſo much diviſion of opinion in the Society of the Friends of the People that the queſtion was carried by only one ſingle vote, as I recollect.

Q. The queſtion about this letter was carried only by one ſingle caſting vote?

A. I am not ſure what was the preciſe queſtion relative to that letter; I think it was whether ſuch an anſwer ſhould, or ſhould not, be ſent.

Q. You likewiſe, perhaps, may recollect that in that letter Lord John Ruſſel ſays—"We profeſs not to entertain a wiſh

" that the great plan of public benefit which Mr. Paine has " ſo powerfully recommended, will ſpeedily be carried into " effect?"

A. I remember words to that effect.

Q. Poſſibly you may alſo recollect that that expreſſion is taken from a reſolution of your Society for Conſtitutional Information, approving a reſolution ſent up from Mancheſter, in which are the very ſame words—" that the other great plans of public " benefit which Mr. Paine has ſo powerfully recommended, will " be ſpeedily carried into effect." ?

A. Very poſſibly.

Q. Signed by Mr. Thomas Walker, of Mancheſter?

A. I do not recollect the circumſtance, but it is poſſible.

Q. Do I underſtand you right, that after the Society of the Friends of the People had by a caſting vote, or otherwiſe, declared that they did not profeſs to entertain a wiſh that Mr. Paine's plans of benefit ſhould be carried into effect, and had declared that they would hold no correſpondence with the Society for Conſtitutional Information, that you remained a member of both?

A. I did, and do ſtill.

Q. Then you remained a member of one Society which had thanked Mr. Walker, of Mancheſter, for a letter profeſſing that Mr. Paine's plans of public benefit were to be carried into execution, and remained a member of another Society which had expreſsly told you in your Conſtitutional Society, that they did not profeſs to entertain ſuch a wiſh?

A. I remained a member of both theſe Societies.

Q. The Society of the Friends of the People having by a majority given this anſwer to the Society for Conſtitutional Information, did you ever explain to the Society of the Friends of the People in what reſpects they were miſtaken about the letter of the Society for Conſtitutional Information, or did you admit that the letter of the Society for Conſtitutional Information, was rightly interpreted by the Friends of the People?

 A. There

A. There was no explanation given on the part of the Society for Conſtitutional Information, but there was ſome explanation given by myſelf, and poſſibly, as well as I recollect, by another or two of the members of the Society for Conſtitutional Information, to ſome of the members of the Society of the Friends of the People.

Q. As you were a member of both Societies, I preſume you informed the Society for Conſtitutional Information what had paſſed among the Society of the Friends of the People about this difference of opinion between them?

A. We had converſation upon it.

Q. You never ſet the Friends of the People right by informing them that you did not mean to introduce thoſe deluſive plans—you did not ſend another letter to explain yourſelf?

A. I did not apprehend it at all neceſſary.

Q. Did you ever ſee a letter of the 26th of May, 1792, from Mr. Aſhton, of Sheffield, to the Society for Conſtitutional Information, upon the ſubject of this difference between theſe two Societies?

A. I do not remember it.

Q. Did you ever ſee a letter with any gentleman's handwriting interſperſed in it?

A. It might poſſibly have happened; but I do not recollect it.

Q. I perceive, as far as appears by the book, that you were preſent at the Society for Conſtitutional Information, and in the chair upon the 30th of March, 1792?

A. I do not recollect particularly, but the book will ſhew it.

Q. You may poſſibly recollect that when you were preſent, there were twelve perſons, aſſociated members from Sheffield, John Paul, Joſeph Gale, and others?

A. I think I have ſome recollection of ſome aſſociated members being introduced, but I do not recollect any of their names.

Q. Nor

Q. Nor did you know any of their perſons in all human probability?

A. Not that I remember.

Q. But you agreed to aſſociate twelve perſons of whom you knew nothing?

A. I ſuppoſe it was ſo agreed in the Society, the Society were not at all afraid of ſtrangers coming among them.

Q. That I know—having agreed to aſſociate theſe twelve perſons with your Society, did you happen to ſee the letter from Sheffield to the Society, about aſſociating thoſe twelve perſons with the Society?

A. Indeed I do not recollect.

Q. Do you recollect ſeeing any letter from Sheffield about aſſociating thoſe members, with the hand-writing of other perſons inſerted in it?

A. I do not recollect particularly—if the letter was ſhewn me, I might poſſibly recollect it, but I do not at preſent.

Q. You may poſſibly recollect that there were ſeveral reſolutions purporting to come from the London Correſponding Society, and purporting to be ſigned "Thomas Hardy, Secretary," upon that ſame day, the 30th of March, 1792.—You have told us what Mr. Tooke had ſaid about the rights of individuals—"Reſolved, that every individual has a right to ſhare in the "government of that Society of which he is a member, unleſs in-"capacitated"—"Reſolved, that nothing but nonage, or privation "of reaſon, or an offence againſt the general rules of Society can "incapacitate him"—and ſeveral others—Do you remember theſe reſolutions?

A. Seeing ſo many of theſe ſort of papers, I cannot recollect particularly when ſuch papers came to my knowledge, where I ſaw them or met with them.

Q. Do you remember ſeeing a paper in the Society, containing thoſe reſolutions, with the ſignature of "Thomas Hardy, "Secretary," in the hand-writing of Mr. Tooke?

A. I do not recollect it, indeed.

Q. Do you happen to know that there was a ſet of theſe reſolutions in the poſſeſſion of the Secretary, with the ſignature, "Thomas

"Thomas Hardy, Secretary," in the hand-writing of Mr. Tooke?

A. I do not know it, nor I do not think I ever did know it.

Q. Did you, or did you not know, that Mr. Tooke had been conſulted about the conſtitution of the London Correſponding Society?

A. I did not know it.

Q. It appears alſo by this book, that you were preſent upon the 20th of April, 1792. Do you recollect a Declaration coming from the Three Tuns Tavern, Southwark, from perſons calling themſelves the Friends of the People?

A. I think I do.

Q. Do you recollect that that Declaration is introduced by words which form the Declaration of Rights upon which the French Conſtitution of 1791 was formed?

A. It is exceedingly poſſible.

Q. Do you recollect a reſolution, "That the exerciſe of the "right of active, equal citizenſhip, in appointing an adequate "repreſentative Government, is the wiſeſt device of human po-"licy, and the only ſecurity of national freedom?"

A. I think there was a propoſition of that kind.

Q. Then here is an entry, "That the thanks of the Conſti-"tutional Society ſhall be given to the Society of the Friends "of the People, at the Three Tuns Tavern, Southwark," who had come to this reſolution. Were the thanks of the Society given them?

A. If it appears upon their book I preſume it muſt be ſo; I really cannot recollect.

Q. It appears alſo that you were preſent, upon the 27th of April, 1792; do you recollect that, upon the 4th of May, 1792, there were twelve people aſſociated from Norwich?

A. I do not recollect; I have never looked at any of the reſolutions ſince that time, and I cannot carry them in my head.

Q. You know the book?

A. I have ſeen the book, but I ſhould not know it again, becauſe I ſcarcely ever looked into it.

Q. Did

Q. Did you ever see any of the letters from Norwich, in consequence of which these twelve *Gentlemen*, as they are called, were associated with the Constitutional Society?

A. I cannot answer; I might have seen them, if they were produced when I was present, but I really do not recollect—I have seen and heard so many papers, and so much upon the subject, that it is impossible for me to recollect them.

Q. Mr. Paine was a member of your Society?

A. I think he was an associated member; what is called an honorary member.

Q. He attended pretty much at your meetings, I believe, in the beginning of the year 1792?

A. He did attend then.

Q. Now as you were of both these Societies—if the Friends of the People, and the Society for Constitutional Information, had set out together upon the Hounslow road, did you mean to get out of the coach at Hounslow, or how much further did you intend to go?

A. I meant to go till I obtained a reform in the House of Commons.

Q. And in any company that chose to go with you. Did you mean to travel as far as Mr. Paine would travel, or as far as the Friends of the People would travel?

A. I did not mean to govern my proceedings by any Society, or any man whatever; my wish was to obtain a reform in the House of Commons, and I was very glad of the assistance of any man towards obtaining that object.

Q. Whether he meant the same thing as you, or not—I observe you were present when Mr. Paine's works were recommended; had you any thing to do with supporting him in the prosecution?

A. Not that I recollect, I do not remember.

Q. Do you happen to know what part of his books were prosecuted? Do you not know, that the part of his works prosecuted were doctrines about the Monarchy of this Country?

A. I apprehend they were.

Q. You

Q. You were not present in the Society when Mr. Paine offered them a thousand pounds, as the profits of his work?

A. I have some recollection of a letter to that effect from Mr. Paine, but I am not sure whether I was present when it was produced, or not; I think the letter intimated, that the profits of his work amounted to a thousand pounds, and that he made an offer of it to the Society, which offer, I believe, never was accepted, for I never heard that it was.

Q. Do you know Mr. Gerald?

A. No.

Q. You know nothing of Mr. Gerald?

A. No, I am not sure that I ever saw him.

Q. He seems to have been present upon the 18th of May, when you was in the chair?

A. Very likely, I have attended the meeting when the room has been tolerably full, and I have not known three faces in it.

Q. Do not you recollect being in the chair when Mr. Paine sent his letter of the 18th of May, 1792, about the prosecution?

A. I do not recollect that circumstance, but I might.

Q. If it appears by the books that the meeting determined to support the defence of the prosecution of Mr. Paine, when you was in the chair, have you any doubt that the meeting determined to support Mr. Paine?

A. I should take it for granted it was so.

Q. And this was to support him in a prosecution for those parts of the works which related to the Monarchy of this Country?

A. I rather think at that time it was not known what were the parts of his book prosecuted.

Q. You think it was not known then what were the parts of his book prosecuted?

A. I think so.

Q. But it must be known before the prosecution could come on?

A. To

A. To be ſure.

Q. However, if at firſt they did not mean to ſupport him in that part, at laſt they muſt have meant to ſupport him in that part—You have ſaid, that if any body had meant to attack the Monarchy of this Country, you would have continued in the Society, if it had been only to get them out of it—how came you to continue in the Society a member with Paine, after he had publiſhed ſuch books as you know he had publiſhed?

A. I did not conſider Mr. Paine's writings as in the nature of a conſpiracy to overturn the Government, but as diſcuſſions upon the ſubject of Government.

Q. Then upon that ground, that Paine's works were diſcuſſions upon the ſubject of Government, you meaning not to permit any body to continue in the Society, if you could help it, who were not attached to the Monarchy of the Country, you notwithſtanding had no objection to aſſociate with Mr. Paine in the Society, who reaſoned upon it in the manner we have heard; but, if there had been any thing like a conſpiracy, you would have ſtaid in it to keep him out of the Society?

A. If I had conceived that there was any man in that Society acting the part of a conſpirator, to overturn the Government, I ſhould have thought it my duty, not only to have oppoſed him, but to have removed him, if poſſible; and, if his crimes were of ſuch a nature, to have made it poſſible to have brought him to juſtice, I certainly ſhould have thought it my duty.

Q. You were never preſent at the Society for Conſtitutional Information, in company with Gerald and Sinclair, after they had come from Scotland?

A. I preſume I could not.

Q. Did you ever happen to ſee them any where elſe?

A. I ſaw Mr. Sinclair; I do not remember ſeeing Mr. Gerald at all.

Q. Did Mr. Sinclair ſtate the proceedings that had been had in the Convention in Scotland?

A. I have never ſeen Mr. Sinclair, to my recollection, ſince Spring 1792.

Q. Did

Q. Did he inform you of what had paſſed in the Convention in Scotland?

A. Never; I never ſaw Mr. Gerald, to my knowledge, in my life.

Q. Then I underſtand you finally to ſay, that you have not been at any of the meetings of the Society ſince May, 1792, and know nothing of their proceedings?

A. I have not been at any meetings of the Society ſince about that time; I do not know the particular date.

Major Cartwright,

Re-examined by *Mr. Teale.*

Q. I think you anſwered, that you believed you did not know me before you ſaw me in the Society for Conſtitutional Information?

A. No.

Q. I underſtood you to ſay, that you ſuppoſed you had not known me before that time?

A. What I meant to ſay was, that I thought my knowledge of you was after the Society was formed, but it was before I met you in the Society; becauſe, I rather incline to think, that you was introduced upon my nomination, and that I had requeſted you to become a member of the Society—I think that was the caſe, but I am not certain.

Q. You have expreſſed ſo much reſpect for me, and confidence in me, that I need not aſk you now that queſtion, but whether, before you had reſpect for me, and confidence in me, you had not heard that I had been convicted of a libel?

A. Yes, I had.

Q. Whether you have read the proceeding in Scotland, againſt Mr. Gerald, and others?

A. I have only read the trial of Mr. Muir.

Q. Should you have thought yourſelf diſhonoured, if, knowing no other harm of Mr. Muir, whoſe trial you have read, you ſhould, notwithſtanding that conviction, and ſhameful puniſhment, afterwards have aſſociated with him?

Mr.

Mr. Attorney General. The queſtion muſt not be put in that way.

Mr. Tooke. It is directly to your own queſtion.

Mr. Attorney General. I muſt not ſit here, an officer of public juſtice in this Country, to hear a queſtion put in that way—"ſhameful puniſhment"—

Lord Chief Juſtice Eyre. I really conceived the word *ſhameful*, there, meant ignominious, and diſgracing the perſon.

Mr. Tooke. Certainly no other way—not at all reflecting upon thoſe who paſſed the puniſhment.

Mr. Attorney General. Then I am ſorry for the interruption. I underſtood it in a different ſenſe, and, in the ſenſe in which I underſtood it, I thought it my duty to take notice of it.

Mr. Tooke. Major Cartwright, I enquired of you, and I took a particular inſtance, rather than a general one, whether you, having a reſpect for me, and confidence in me, though you knew that I had undergone an ignominious ſentence, and having read Mr. Muir's Trial, whether, if you had in other reſpects thought him poſſeſſed of valuable qualities, you ſhould have refrained from aſſociating with him, after that ignominious ſentence had been pronounced?

Lord Chief Juſtice Eyre. It is material, as far as regards yourſelf, but when you go beyond it, to the caſe of Mr. Muir, you go out of the caſe which is now in judgment.

Mr. Tooke. I beg your Lordſhip to perceive the motive with which I have aſked this queſtion, which perhaps may ſhew its propriety. The Attorney General has croſs-examined Major Cartwright, in order to fix guilt upon me, by ſuppoſing that, after Paine's works had been proſecuted, I had continued to aſſociate with him. He has attempted to fix guilt on me, by ſuppoſing me to have aſſiſted Mr. Paine's ſuppoſed poverty, by contributing to his defence. It is for that reaſon, and in anſwer to that croſs-examination, that I have aſked Major Cartwright theſe queſtions, not only relative to myſelf, but to Mr. Muir, or any other perſon who had been convicted (which Mr. Paine had not been) of a libel, which would have induced upon him the ſame ſort of puniſhment. I aſked the queſtion, in order to ſhew, that

that the bulk of mankind reaſon in the ſame way—that no guilt attaches to a perſon, nor any diſgrace, for having aſſociated with a man after he was under proſecution. That has been the object of my queſtion.

Lord Chief Juſtice Eyre. My opinion is, that it is perfectly correct for you to enquire with regard to yourſelf, and alſo perfectly correct to aſk any queſtions that have an immediate tendency to juſtify your aſſociating with Mr. Paine, but what this gentleman would do in the caſe of Mr. Muir has no ſuch tendency, and therefore it is improper to be introduced, becauſe, by the ſame reaſon, you might ſpeak of every other man, who has been convicted within the laſt twenty years.

Mr. Tooke. I meant any man.

Mr. Erſkine. We will now read the Duke of Richmond's letter to Colonel Sharman.

Mr. Attorney General. You muſt call the Duke of Richmond to prove it.

Mr. Erſkine. Certainly I am not bound to do that. There is a paper which was proved on the trial of Thomas Hardy, and has alſo been proved on this trial, to which I wiſh to point the attention of the Court—the original Addreſs to the Nation, by the London Correſponding Society, upon its firſt inſtitution, holding out its objects to the world, which objects, the Sheffield Society inſiſt upon, they continued in, in anſwer to the letter ſent them by the London Correſponding Society, that ſtates their object in ſo many words, thus—"Laying aſide all pretenſions to originality, we claim no other merit "than that of re-conſidering and verifying what has already been "urged in our common cauſe, by the Duke of Richmond;"—and, my Lord, that is not all, for the Attorney General, within five minutes from the time I am now addreſſing your Lordſhip, has laid an argumentative ſtreſs, through the channel of the croſs-examination——

Mr. Attorney General. I deſire the queſtion may be put immediately to the Duke of Richmond.

Mr. Erſkine. You will ſee that I do not want the Duke of Richmond to prove what I hold in my hand. The Attorney General,

General, through the courſe of his examination, was imputing guilt to the gentleman whom I am defending, becauſe the Conſtitutional Society, of which he was a member, received twelve aſſociated members from the Sheffield Society, amongſt whom Mr. Attorney General read, within five minutes paſt, the name of Broomhead—that Broomhead has been examined as a witneſs for the Crown——

Lord Chief Juſtice Eyre. All this is obſervation.

Mr. Erſkine. No; the Attorney General oppoſes my reading this letter to Colonel Sharman.

Mr. Attorney General. I do not mean to interrupt Mr. Erſkine; but I do beg the Court will be ſo good as not to permit obſervations upon evidence.

Mr. Erſkine. I am not making obſervations, but I am arguing my right, which I underſtood to be oppoſed, to read this letter.

Mr. Attorney General. My friend underſtands it to be oppoſed, when I ſay it is not oppoſed.

Mr. Erſkine. I underſtood you to ſay that I muſt prove it by the Duke of Richmond. I am arguing that I am not obliged to do that: this printed paper is marked by the Clerk of Arraigns, as the plan upon which the witneſs ſaid they went.

Lord Chief Juſtice Eyre. I think the letter has been ſhewn to ſome of the witneſſes, and has been proved to be a paper containing that plan upon which they went, and therefore it may be read.

Mr. Gibbs. I affirm that it was; for I myſelf gave it to the witneſs, and then gave it to Mr. Shelton to mark it.

Mr. Attorney General. Without more interruption it would have ſaved time if Mr. Erſkine would have had the goodneſs to have ſaid to us—this letter was ſhewn to Broomhead, and therefore I offer it as evidence.

(*Letter from his Grace the Duke of Richmond, to Lieutenant Colonel Sharman, dated Auguſt* 15th, 1783, *read.*)

[*Vide Hardy's Trial, vol.* 4, *page* 4.]

His Grace the Duke of Richmond, (ſworn)

Examined by *Mr. Erſkine*.

Q. I have only the ſame queſtion to put to your Grace that was put on the former trial: your Grace then ſtated that there had been ſpurious copies of the letter I then produced to you. This copy has been compared with a copy then produced by your Grace—Have you that copy with you?

A. I have.

Q. Your Grace has no reaſon to think there is any difference in hearing it read?

A. I have not.

Mr. Erſkine. As I think it is my duty to make the evidence as intelligible as poſſible, the letter of the Duke of Richmond to Colonel Sharman, in favour of Annual Parliaments and Univerſal Suffrage, having been now read, I propoſe to read a letter to Lord Aſhburton, written and publiſhed by Mr. Tooke, in which—though I am ſure every man, who has heard the letter juſt read, muſt have great reſpect for the author of it—Mr. Tooke differed in opinion from the Duke of Richmond; it is the letter from which extracts were read laſt night, in the courſe of my addreſs to the Jury. Call Mr. John Debrett.

[*Mr. Debrett did not immediately appear.*]

Mr. Attorney General. I cannot have a doubt that any paper produced by Mr. Tooke, or Mr. Erſkine, is capable of proof; but what I wiſh to know is, upon what principle the works of a gentleman, in a former part of his life, are evidence in ſuch a cauſe as this. With reſpect to this book produced hitherto, the Duke of Richmond's letter, one of the witneſſes, who was an aſſociated member of the Society for Conſtitutional Information, has ſtated, that that was the plan upon which they acted; and therefore it is neceſſary to introduce that in the cauſe. Mr. Paine's books have been read, becauſe, in the books of the Society for Conſtitutional Information, there are a vaſt number of entries which connect them, as we ſubmit, with the pub-

publiſhing of that book; but I do not find, in any thing that has yet paſſed, any alluſion to the publication now ſtated.

Mr. Erſkine. It is his declaration in writing.

Mr. Tooke. I rather believe the Bench, and even the Attorney General, will think I can eaſily make it admiſſible upon his own principle, and upon his own practice. The looſeneſs of that evidence, by which the book of Mr. Paine was introduced a day or two ago, will enable me (even though the publiſher ſhould not appear) I believe, upon the ſame ground, to introduce this; for that was introduced upon the ſuppoſition that it was the ſame as was generally known to be circulated, and that there were none of the ſame kind but of that ſort.

Lord Chief Juſtice Eyre. They do not object upon that ground.

Mr. Tooke. Upon the other ground, which I come to next, I think it will be ſtill eaſier for me, becauſe the indictment charges that divers books, pamphlets, letters, declarations, and writings were publiſhed; and I do not know how many more under the word "*divers*;" it is ſo looſe that all the libraries of Europe might have been brought in evidence againſt me. This is a declaration, a pamphlet, a book, it is any thing that you pleaſe, contained under that word "divers;" and as others were introduced, that were written and made by other perſons, becauſe they were members of a Society to which I might, or might not belong, or were connected with ſome Society to which I did belong, and therefore were to operate againſt me; this is a declaration of my own, which, ſurely, is as clear a declaration of my mind, as thoſe papers are of the mind of ſome other perſons, who were connected with ſome other perſons, with whom I might poſſibly be connected.

Mr. Attorney General. I ſhall be very glad to know how Mr. Erſkine makes it evidence.

Mr. Erſkine. I have only to ſay, that it appears to me the cleareſt propoſition in the world. What is the courſe of the evidence that we are now offering to your Lordſhip, part of which has been received, and the Court cannot, without departing from that conſiſtency, which it never will depart from,

that on this evidence, after having heard what it has already heard.

We did not confine our examination of Major Cartwright to an examination of that gentleman as a member of the Conſtitutional Society, but as a man who knew Mr. Tooke in private life—who was acquainted with his principles, and his opinions upon political ſubjects. If an overt-act of rebellion were proved upon Mr. Tooke, I ſhould ſtill think ſuch evidence admiſſible; but I ſhould think it very weak indeed; as I agree with the Solicitor General, that in Lord Lovat's caſe it amounted to no evidence at all, where a man is taken in *flagrante delicto*, where a man is taken in open rebellion, to offer evidence of his loyal principles; but when you want to argue a man into an intention to rebel; when you wiſh to argue a man by his own writing, and an approbation of the writings of others, into an intention to ſubvert the Conſtitution of the kingdom; when, by conſtruction and inference, (very vague inference I think) you are to argue Mr. Tooke into the guilt of meaning, not a Reform of repreſentation in the Houſe of Commons, which he ſays was his intention, and which Major Cartwright, who knew his ſentiments, ſaid was his intention. When the Attorney General means to argue that from all that Mr. Tooke has ſanctioned, as written by others, he meant to go further than the Duke of Richmond meant, cannot I rebut that inference, by ſhewing that he meant to go even ſhort of what the Duke of Richmond meant; and is it to be preſumed, or is it to be ſuppoſed, in any caſe—I will uſe your Lordſhip's own language, which is better than any which I can uſe—"that he who undertakes to make "out that the oſtenſible purpoſe is a mere veil, that a man means "differently from that which he expreſſes his meaning to be, "muſt do it in a manner ſo ſatisfactory, as that it is impoſſible "to doubt the intention to be different; for that it is contrary "to all fair principle, and contrary to human life ſo to reaſon."

Then if the *animus* is the cauſe, (and what elſe is the cauſe?) if the Treaſon is in the mind—as in the mind it muſt be, if the overt-act be the manifeſtation of that Treaſon—have I not a right (and what was the whole trial of Mr. Hardy, but the exerciſe

ercise of that right) to rebut the inference *valeat quantum, valere potest*.—I do not mean to say that Mr. Tooke, or any body else, is acquitted upon my producing any given weight of evidence, but if you do not produce any one paper which you yourself say is an overt-act, and you have proved divers papers approved of by my Client, interspersed with interlineations by him, or any other species of approbation of writings composed by others, may I not rebut that presumption by the very evidence I am producing.

What is the answer? The answer is this—a man may have had these intentions, and may have had these opinions at the time when this book was published, and he may forsake those intentions, and he may take up others at a later period, and conspire by force to carry them into execution. He may do so, but we are examining into the probability whether he did so, and I am not to stop here, my evidence is a chain, consisting of many links—not so many links as the Attorney General's evidence consists of, and not so disjointed as his links are—but all united together, taking up this gentleman in the year 1780, as a man not going so far as the noble person who wrote that book, but differing with that noble person, highly respecting him as the author of the book; and every man, I think, who hears it read, must respect the work and the author of it, although he may differ (as I have expressed my own difference) in the universality of that representation and suffrage—I may, like my Client, stop at Hounslow when another man is going to Windsor—I mean to contend, and I give the Attorney General notice of it, that this is circumstantial evidence in order to decypher the mind of the gentleman at the bar, and to shew that he is not that false traitor which this indictment charges him to be from his approbation of these books, which are not laid to his charge as specific crimes upon this record, but laid as manifestations of his intentions, and that they were published by him with intention to subvert the Government of the Country.

Your Lordship is already acquainted with the contents of this book—I shall suppose that Mr. Debrett were here (and the objection to his not being here is I understand waved) suppose I were to say to Mr. Debrett, did Mr. Tooke come to you

and aſk you to publiſh this book for him? He did.—Did you read the manuſcript? I did.—Did you converſe with him upon the contents of it? I did.—Did Mr. Tooke tell you that theſe were his opinions? He did. If that is not evidence, your Lordſhip muſt ſcore out of your book every thing you have been taking down this morning, for what elſe has Major Cartwright been examined to, except a few things that related to the Conſtitutional Society. Upon what other principle was an honourable friend of mine (Mr. Francis) examined in favour of Mr. Hardy?

Then we come to this moſt monſtrous propoſition, that though Mr. Debrett might have been examined as a witneſs to a converſation with Mr. Tooke, expreſſive of his ſentiments as found in this book, yet it is not to be evidence when it is publiſhed to the whole world. Let us pauſe a little, and ſee what this propoſition is, and how it will be maintained. The object of all this is to prove that you mean to obtain a ſubverſion of the Government, by infecting the minds of others with falſe principles of Government, by infuſing into the public a diſlike to their own Conſtitution, and thereby at laſt to be able to effect your traitorous purpoſe by the moſt powerful engine of human force, that which is beyond all arms, the power of univerſal opinion, which moſt undoubtedly no Government that ever exiſted could ſtand againſt. Then if that be ſo, what ſays law, and what ſays common ſenſe, which is the parent of all law?—Why, that a man who has that traitorous purpoſe, can never in the ſame breath be publiſhing a book which ſhews he is not of that mind, that he conceives that which has been publiſhed by another author, however honourable, is miſtaken, and that his principles are not of the ſame ſort. I have ſhewn, and it is my object to ſhew, that Mr. Tooke wrote this *bona fide*.—How do I ſhew it? I do not ſay the book ſhews it, but that it is inconſiſtent with human belief, and oppoſes the whole courſe of human experience, that a man who wants to accompliſh a purpoſe by the agency of others, that purpoſe being ſpecifically a criminal purpoſe, ſhould tell the whole public that he himſelf is not a friend to that purpoſe he wiſhes

to accompliſh. Why then at a much later period than the publication of this book, which was in 1782, Major Cartwright ſays Mr. Tooke was a firm, ſteady, inflexible man to his opinions. Was he a man likely to lay down an opinion one day, take it up another, and lay it down again upon a third? Why is not the character of a man evidence? If he did not change thoſe opinions, is that not evidence to ſhew he was not a man likely to change?

If a man is accuſed of a crime, do not you examine his character as relative to that crime? If a man is accuſed of an unnatural crime, do you aſk if he pays his debts? He may be a monſter, and yet pay his debts. No, you aſk to his chaſtity, to his morals. If a man is accuſed of a robbery, you aſk queſtions analogous to the nature of the charge.—I ſpeak to a moſt honourable perſon upon the bench, who lately tried Mr. Purefoy for the murder of Colonel Roper in a duel. What were the queſtions aſked as to his character. Were they whether he was a good officer? Drilled his company well? Was a well bred man? Whether he paid his debts? No, but Whether he was a man of humanity? A gentleman came from a great diſtance to teſtify that humanity was the paramount characteriſtic of his diſpoſition. Why then, if inflexibility, if firmneſs, if ſteadineſs be the characteriſtic of this gentleman's mind; and if the crime imputed to him be that he has either conſpired to levy war generally, of which I read ſomething upon the record, againſt the King, or that he conſpired to levy it in the particular modes pointed out by this indictment; that is to ſay, by holding a Convention, with the intent that that Convention when aſſembled, ſhould ſubvert by violence the happy conſtitution of this kingdom; that he ſhould bring about all this purpoſe by all theſe books and pamphlets, which though ſome of them may be, and undoubtedly were libels, they were not either publiſhed or approved of by Mr. Tooke, have I not a right to negative even the foundation of the evidence?

Does the Attorney General mean to argue that this evidence is concluſive? Suppoſe I mean to ſay your evidence is falſe, from which you wiſh to infer that Mr. Tooke ſaw all thoſe

letters from Norwich, Manchester, Sheffield, or any where else, without debating the quality of them, why I have a right to use this evidence two ways; to negative the probability of his seeing these letters at all; or, if he is supposed to have seen them, and to be implicated in their contents, to negative the traiterous purpose which constitutes the charge upon this record.

In the name of the prisoner and the Constitution of this Country, I call upon your Lordships never to forget that we are not here upon the trial of a Libel, but we are here upon a trial for Treason, in compassing the death of the King—that no evidence is relevant which does not go to that point; that the evidence which your Lordship has admitted is, that the mind of the man may be sifted, and upon no other principle can the Attorney General stand up to make his reply to the Jury.

I am not charging my honourable and worthy friend the Attorney General, with meaning to shut out any thing, which for the moment his own conscience does not tell him he has a right to do; but I am arguing it fairly, and I cannot help saying, it appears to me that this is one link of a long chain of evidence which I purpose to give, and which your Lordship, in conformity to your past conduct in the cause, told Mr. Tooke, in my hearing this morning, after he had explained the nature of that evidence, you should listen to with an indulgent ear, of which I have no manner of doubt, and therefore the only question is.....

Lord Chief Justice Eyre. I said nothing of specific evidence.

Mr. Erskine. Your Lordship, no doubt, expressed every evidence that was competent to be received—I am, therefore, not arguing what effect this ought to have upon your Lordship's mind when received, or what effect upon the minds of the Jury when received, but am merely upon the question of the admissibility of it, and your Lordship must allow me to say, that it is conceded to me, that this is a book actually written by Mr. Tooke, written in his closet, when composed, carried to a bookseller, printed, and by his order put into circulation in the world by that bookseller.

I put

I put it thus—Would this have been evidence for the Attorney General, supposing this had been a letter written by Mr. Tooke, at any time after he had shewn all the proof he has of the overt-acts, in order to shew that this gentleman's dispositions were never monarchical, that he was a republican from his birth, could the Attorney General have produced any thing written and published by the prisoner? I conceive there can be no doubt he could. Have you not received in evidence a letter agreed upon at Chalk Farm, when Lovett was in the chair, whom I undertake to prove Mr. Tooke never saw, till he saw him in the Tower.

Shall my client be loaded with all the inferences arising from letters, written by men whose existence he never heard of? Shall it be open to the Attorney General to produce writings at any time to shew Mr. Tooke's dispositions? What, for instance, has his offering four thousand livres to *France*, at a time that this nation was at peace, to do with the overt-act upon the record, but upon this principle, in order to shew that Mr. *Tooke* was interested in the prosperity of *France*, that he wished her to prevail against the surrounding Despots invading her, England then being a neutral nation, and from thence argumentatively inferring that we were, forsooth, to take our system of liberty from the *French*. Then, if that be so, I wish to meet it, there are two sides in a cause, the *prisoner* must be heard, as well as the Crown, and I cannot conceive that there is a proposition more clear upon earth, than that this, as a link in the chain of that evidence, is admissible upon the footing that it is a declaration, not of Mr. Tooke to an individual, but a more important declaration, a declaration to the whole public. In the last cause a Mr. Groves proved that Mr. Tooke stood up in a public room——

Mr. Solicitor General. Not in this cause.

Mr. Erskine. The last cause was tried by this Court, and, therefore, it is a precedent which I may refer to, as much as I may refer to any other precedent in the books, and I can refer to it with more effect, because it is more analogous to the business in hand, because it was decided by the same Judges,

and

and becauſe it muſt be in the memory of the Court.—Upon that trial Groves was aſked, whether Mr. Tooke did not in a public room ſay ſo and ſo—What is that but a declaration to a great many perſons, and where is the difference between a declaration by parol, to a great number of perſons, and a declaration in writing to a much greater number of perſons, extending to the whole of the public, which, it is ſuppoſed, he intended to corrupt by the circulation of writings of an oppoſite tendency to that which I offer in evidence?

I ſhall bow with the greateſt reſpect and humility to whatever judgment your Lordſhip ſhall pronounce upon this ſubject; and I have no doubt my client will, and ought to be, ſatisfied with the judgment of the Court, becauſe every man ought to be ſatisfied with the juſtice that is adminiſtered to him in the Country in which he is a ſubject. But when I compare this evidence, with the reſt of the evidence admitted by your Lordſhip, when I have had reaſon to ſee how perfectly that principle of evidence is underſtood by the Court, as every principle of evidence muſt be underſtood by a Court, filled with ſo much learning as this is, I cannot permit myſelf to doubt for one moment that a piece of evidence, which, after the experience we have had in the profeſſion, appears to us to be open to no objection that can be ſtated, and inſiſted upon with effect, will be admitted by your Lordſhips.

Mr. Gibbs. I ſhall trouble your Lordſhip with a very few words, after the way in which Mr. Erſkine has argued this.—The queſtion your Lordſhip is trying is, whether Mr. Tooke has been guilty of compaſſing the King's death. One of the overt acts ſtated is, that he agreed to the calling a Convention for the purpoſe of depoſing the King; there is no proof that he agreed to calling a Convention for that purpoſe, I mean no direct proof of it; but the gentlemen on the other ſide, in order to give that colour to an act, the exiſtence of which is proved, that he met with others who agreed to the calling a Convention, in order to give a colour to that, and to ſhew that his intention was, that that Convention, when called, ſhould proceed to depoſe the King, they go through the hiſtory of his life, they give evidence

of

of his declarations, they give evidence of his acts, and not only that, but they give evidence of the acts and declarations of any man in this kingdom, for the purpoſe of proving that ſuch a conſpiracy exiſted, and that Mr. Tooke was a partner in that conſpiracy.

Now, in the firſt place, does not common juſtice, and does not common reaſon require, that if they mean, by entering into the general life of Mr. Tooke, to give colour to a particular act of his which is indifferent in itſelf, if they mean, by the hiſtory of his general life, to ſhew that the tendency of that act was criminal as they have ſtated—does not common juſtice, does not common reaſon, and does not common honeſty require that Mr. Tooke ſhould be permitted to give in evidence thoſe paſſages of his life, which he thinks ſhew that this act has a contrary tendency, and to ſhew from thoſe acts that his principles are incompatible with what they impute to him? This which we offer in evidence is an act, a public act of Mr. Tooke's, it is more than a mere declaration; but ſuppoſing we were only offering evidence of what Mr. Tooke declared, What has been the conduct of the Attorney General, in conducting this proſecution, from the beginning to the end? What was the conduct of the Attorney General in the caſe of Mr. Hardy? Did he not give ſimilar evidence from the beginning to the end? Is my client to be affected by the declaration of third perſons, in order to ſhew that he is criminal; and is he not to have the benefit of every declaration of his own, from the beginning of time, at leaſt as far back as he has exiſted? When other facts exiſt, when other declarations can be proved to have been made, when other acts have been done which will give to this act, indifferent in itſelf, a tendency, directly contrary to that which they wiſh to give to it, ſhall we not be permitted to produce it?

Mr. Erſkine properly obſerved, that when Major Cartwright was called, he was queſtioned to acts of Mr. Tooke's life, he was aſked not only to what paſſed at the meetings of thoſe Societies, but to converſations with Mr. Tooke, to the principles of Mr. Tooke as they were to be collected from thoſe converſations; that evidence was given, and it was not objected to; perhaps

perhaps the learned gentlemen will ſay it was unobjected to becauſe they did not advert to it. Their learning and their ſagacity renders it impoſſible that that ſhould be credited. I am ſure that if an objection had exiſted to the manner in which we queſtioned Major Cartwright, their learning would have ſhewn them that the objection exiſted, and their ſagacity would have led them to the diſcovery of it. But did not the eight days trial of Hardy, conſiſt of this ſort of examination—The whole of the priſoner's caſe was of that ſort—I venture to ſay there were twenty witneſſes called, who were conſtantly examined by my friend and me, to what had been Mr. Hardy's declarations upon the ſubjects of Government, and what were his principles with reſpect to the Conſtitution. And this ſort of examination is not confined to this caſe. I am not prepared to cite particular caſes at preſent, but your Lordſhip's memory will ſuggeſt to you many caſes in the State Trials, which will aſſure you, that I am not citing caſes that do not exiſt. I recollect the caſe of Lord Ruſſel, Doctor Burnet, as I remember, who was one of the witneſſes for Lord Ruſſel, was aſked what had been Lord Ruſſel's declarations, with reſpect to his loyalty—and I remember one of thoſe men who was hard preſſed, I think by Jeffries, I believe it was one of thoſe concerned in the Rye-houſe plot, was aſked as to any declarations of loyalty that he had ever heard come from the priſoner's mouth; and he was croſs-examined, not only by Counſel, but by the Court; and croſs-examined particularly as to where thoſe declarations of loyalty had been uttered, in what company, whether in the company of friends or of enemies.

Now, was that a conduct the Court would have held, if they thought the queſtion ought not to be put at all? They would have ſaid, it matters not what your declarations of loyalty have been, the queſtion is, whether you are guilty of the crime imputed to you, but as to your declarations they are not evidence for you. On the contrary, the Court examined to the tendency of thoſe declarations, examined to the time at which they were made, examined as to the circumſtances under which they were made, to the company in which they were made; all of which

is

is perfectly inconſiſtent with an opinion in the Court, that the declarations were not evidence at all. Then, if general declarations of loyalty are evidence for a man who is accuſed of High Treaſon, how much more muſt a public act of his be evidence to the ſame purpoſe?

Your Lordſhip will obſerve, the Attorney General merely made his objection, and deſired he might hear us before he addreſſed the Court, we have therefore no argument to anſwer; the Attorney General has aſſigned to the Court, in making this objection, no one reaſon whatever upon which he founds it, and therefore I have nothing from the Attorney General to anſwer; I have only to ſtate to your Lordſhip thoſe principles of law, thoſe authorities in other caſes, and thoſe deciſions, or at leaſt acquieſcences, in this caſe, which ſeem to me to eſtabliſh the principle that this which we offer is evidence. Upon that ground I hope the Court will receive it.

Mr. Attorney General. I ſhall certainly be governed by your Lordſhip's opinion upon the fact. Mr. Gibbs ſays he has heard nothing upon the ſubject from the Attorney General.

Mr. Gibbs. You miſunderſtand me.—The courſe of things is, when you take an objection, that you argue it firſt, that we anſwer you, and that you reply. In this caſe, you take the objection, you give us nothing to anſwer; then, if you argue it in your reply, we have no opportunity to anſwer it.

Mr. Attorney General. I have not the leaſt objection to your reply.

Mr. Gibbs. Then it is very well.

Mr. Attorney General. Your Lordſhip will recollect in what way this comes before the Court. This book is produced as a book publiſhed in the year 1782, by the gentleman now at the bar, and a witneſs was propoſed to be called to prove the publication of it by that gentleman. I ſtated to the Court what, perhaps, upon public principle, I ought to regret that I have ſtated, that I ſhould diſpenſe with the production of the witneſs to prove the publication. And I tell your Lordſhip why I do it, becauſe I perceive that every thing that is mere matter of indulgence; and, to ſave the time of the Court, is argued upon

after-

afterwards, as affording a principle upon which evidence is to be admitted, if an objection is taken.

What Mr. Erſkine ſays is certainly true, the priſoner is to be heard; I ſay that, in this Country, every priſoner is heard; and I do not like that ſort of obſervation, unleſs the gentleman will go further, and ſay that he is not heard; great care is taken that he ſhould be heard. Having been heard upon it, and having ſtated my objection, I deſired alſo that Mr. Erſkine would be ſo good as to ſtate the ground upon which he conceived it to be evidence; and I am now riſing to offer to your Lordſhip a very few reaſons for thinking that it is not evidence; meaning to ſay again, that I have no anxiety about the deciſion upon this point of evidence, any more than I have about the reſult of the cauſe itſelf, except that I may, according to the beſt of my judgment, do my duty to the public in the ſituation in which I ſtand. If it ſhall be your Lordſhip's opinion that this is evidence, it will go down as a precedent to poſterity with infinitely more authority belonging to it than if it had been admitted merely upon my conſent; and it will be, therefore, for the benefit of the public, that the objection ſhould be taken. I take leave alſo to ſay now, that I will not trouble your Lordſhip with one ſingle word upon the effect of the evidence. I will not anſwer what has been ſtated about the infinite number of links of the chain in the evidence which has been offered on the part of the proſecution, nay, not even to obſerve, that theſe links are ſo far from infinite, that, as far as I have heard of them of late, they are but few in number.

It is ſtated, that in the caſe of my Lord Lovat evidence of this ſort could not be received.——

Mr. Erſkine. I did not ſay, could not be received; but, would have no ſort of weight when received.

Mr. Attorney General. If my learned friend puts it ſo, I have no further obſervation to make upon that caſe. But I cannot conceive, that if Lord Lovat could have been proved to be the author of five hundred books upon the law of Treaſon, and againſt levying war againſt the King, it would have been poſſible for him to have offered in evidence publications of that ſort,

ſort, after the evidence for the Crown had been heard to prove —I do not ſay to eſtabliſh by a verdict, for it is never taken in that ſenſe to be proved till the Jury have given their verdict; but after witneſſes had been heard to depoſe, that Lord Lovat was actually found in the field of battle, warring againſt his Sovereign, it could not poſſibly be contended in ſuch a caſe that that evidence could have been received.

With reſpect to the caſe of Mr. Purefoy, it appears to me exactly the ſame. There could be no doubt, unqueſtionably, that when a perſon is charged with that ſpecies of murder which is occaſioned by duelling, or when charged with any other ſpecies of murder, that you may call witneſſes to prove his general humane character; but would it have been competent to call witneſſes to prove, that, ten years before, he had wrote a book againſt duelling, and therefore the Jury is to acquit him of the fact of the duel, which was depoſed to on the part of the proſecution?

My learned friend ſays, that the priſoner is not charged with the publication of libels; I do moſt diſtinctly admit it; and I deſire it to be moſt fully underſtood, that if the indictment is not brought home to the priſoner to the extent of the charge contained in that indictment, this Court and the Jury have nothing to do with any other charge. But when my learned friend mentions—or, I believe it was the gentleman at the bar, who ſtated it very ſtrongly—that the indictment ſtates divers books, pamphlets, letters, inſtructions, reſolutions, *et cetera*, inciting the ſubjects of our Lord the King to come to this Convention. And when the indictment alſo ſtates divers books, pamphlets, letters, inſtructions, reſolutions, orders, addreſſes, and writings, in another overt act, ſtated in the indictment, of which little notice has ever yet been taken, did mean to bring about a conſpiracy to ſubvert the Government and to depoſe the King (whether proved or not it will be for the Jury to judge by and by); which muſt go to the Jury, even if they ſhould be of opinion that this Convention was not the mean to bring about the end charged in the indictment. I mean to contend, that if I have proved that divers letters, inſtructions, reſolutions,

tions, &c. had been compoſed and publiſhed by the priſoner to the end ſtated in the indictment, I am ſtill at a loſs to ſee upon what ground it is to be ſaid that, becauſe I have proved that, the priſoner is at liberty to give in evidence a book exhorting perſons, in the year 1782, to other conduct, and other acts than thoſe which are the acts, and the conduct to which he has incited by the books, &c. which I have given in evidence, between the years 1791 and 1794.

The caſe of Mr. Francis, who was examined on the trial of Hardy, has been mentioned; now how did that ſtand? It had been proved, that the London Correſponding Society, and the Society for Conſtitutional Information, had, upon the 26th of April, I think 1793, diſtinctly ſtated, in letters to certain Societies, which have been read again upon this trial, that their correſpondence were not to look to the executive power of the Country, not to look to the Parliament of the Country, but to look to a Convention of the People, formed by Delegates from themſelves. It had been proved, that in the Addreſs of the 6th of Auguſt, 1792 (which your Lordſhip has heard within theſe two days) theſe Societies had recommended a petition to Parliament, not under the idea that Parliament was to give them any relief, but that they had recommended that petition to Parliament as a meaſure to bring the public mind to the other meaſure which is charged in this indictment, as criminal, namely, bringing about that redreſs by their own ſtrength, and their own force, which they had ſo diſtinctly ſtated the Parliament and the King were not to give them.

Then on the part of Mr. Hardy it was propoſed, that Mr. Francis ſhould be called—to do what? Why, to prove that Hardy and Margarot came to him in the courſe of that very project which had been depoſed to on the part of the proſecution, in order to anſwer what had been ſtated on the part of the Crown, and to anſwer it in the courſe of a tranſaction immediately connected with the tranſactions of the Society at that time. That they had come to Mr. Francis, and had held a language with him to induce him to preſent that petition, which convinced him that the prayer of the petition had gone a great deal further, than,

as he underſtood, from converſation with Hardy. Hardy would have been contented that the prayer of that petition ſhould go. That was a fact, in the courſe of the tranſaction which was then before the Court, and that was part of the conduct of the priſoner, in the very article of his conduct as an aſſociated member of the London Correſponding Society, explaining to Mr. Francis the object of that very identical meaſure to which we had, in the proſecution, imputed a criminal intent, and ſupported that criminal intent by a great deal of evidence which was to go to the Jury. That appears to me moſt perfectly diſtinct from the preſent queſtion.

As to the proceedings at Chalk Farm, my friend aſks, upon what ground was that admitted? Your Lordſhip recollects, that, upon the 27th of March, 1794, the London Correſponding Society ſent a letter about a Convention, (of what ſort is for the Jury to decide by and by) which contains certain reſolutions, which reſolutions, in the very terms of them, ſay, that there is to be a Convention, not of Delegates of the Societies, but of the people, by Delegates from the Societies; and, in the communication of thoſe reſolutions, it is added, that they (the Correſponding Society) are to have a meeting upon the 14th of April, 1794. Then the proceedings of the 14th of April, 1794, —the proceedings of the aſſociated members, in the courſe of this, which, as proſecutor—always meaning to ſubmit that queſtion to the Jury, but which, as proſecutor, I am bound to call a traitorous conſpiracy, till they, by their authority, have told me I ought no longer to call it ſo. The proceeding, therefore, of the 14th of April, is a proceeding in the courſe of that very tranſaction, it is an intermediate proceeding between the communication of the purpoſe of a Convention, and the completion of that purpoſe, as I call it: they appointed a Committee of Correſpondence and Co-operation, by thoſe reſolutions, a corrected draft of which was found in the priſoner's hand-writing.

My friends take another objection to the letter offering four thouſand livres to the French. Here are papers found in the cuſtody of the gentleman at the bar, at the time when that gentleman is a member of the Conſtitutional Society, which had

 correſ-

correſponded (according to the evidence) with the Jacobins in France—correſponding with the Jacobins when that country had a King—which was correſponding at the very time to which theſe letters, by the contents of them, refer, with the National Convention in France, when that country ceaſed to have a King, a ſubſcription going forward in the Conſtitutional Society, as the witneſſes have depoſed—this letter was in the cuſtody of the priſoner, relating to that very ſubſcription, and ſtating, when addreſſing the National Convention of France, without a King, that the cauſe of France and England is a common cauſe, is the ſame cauſe. But, beyond that, my friend will recollect the connection of that letter with the immediate tranſaction, from this circumſtance, that, before that was offered, a letter was given in evidence, of the 8th of Auguſt, from Hardy, and another from Margarot, in which they ſtate, to the gentleman at the bar, a queſtion, to deſire to know his thoughts about a ſafe communication with reſpect to France; and then, there is afterwards entered, upon the books of the Society for Conſtitutional Information, that Addreſs, which begins with the words "French-"men, while foreign robbers"—and which has this paſſage—The Elector of Hanover may do as he pleaſes, but, if the King of Great Britain ſhould forget this, we will not; and which concludes with a paſſage to which the attention of the Jury muſt be called by and by. I will ſay nothing about the effect of it at preſent.

A paper is found in the cuſtody of the gentleman at the bar, which, whether meant as his own addreſs, or the addreſs of ſome other perſons, it is for the Jury to decide preſently. Theſe livres were ſent to the National Convention of France, to oppoſe the tyrants who had dared, or ſhould dare, to attempt their liberties, even if they were of the country of the perſon that is proved to have written that paper. It is upon theſe grounds I take that paper clearly to be evidence in the courſe of the tranſaction, and connected with every part of it.

Then it is ſaid by Mr. Gibbs, if this is the caſe, you may give evidence of the declaration of any man in this kingdom.

Mr.

Mr. Gibbs. I did not ſay you might have done; I ſaid, I underſtood you had done ſo.

Mr. Attorney General. I ſay again, I hope to conduct myſelf, throughout theſe cauſes, with temper, becauſe I know it is my duty that I ſhould do ſo. I labour under a miſtake quite inexplicable to my own mind, if I have offered evidence of any man in this kingdom, whoſe declarations, upon the principles of legal evidence, can properly be objected to. I have offered the declarations of perſons combined in this, which I call, without prejudice, to the queſtion, whether I call it truly ſo or not—which I call a conſpiracy; the declarations of members aſſociated in that conſpiracy, wherever I may happen to find them in the kingdom—every man in the kingdom, in that ſenſe of the word, provided thoſe declarations have a reference to the conſpiracy which is the object of the proſecution. My objection to this evidence is, that it has no reference to the conſpiracy which is the ſubject of the proſecution, no more than if, for inſtance, Mr. Serjeant Hawkins had robbed a man upon Hounſlow Heath, I could give in evidence his criminal law of England, becauſe there happens to be a ſtrong obſervation in it, not only upon what the law is, with reſpect to robbery, but with reſpect to the immorality of the fact of robbery.

With reſpect to what is ſtated, as to what paſſed in the caſe of Major Cartwright, I ſhall give this anſwer to it, let it avail much or little—The obſervation has called upon me to ſtate what I have ſtated, becauſe I think the public will be much better ſatisfied with your Lordſhip's judgment upon this, than mine; and, I am ſure it will go down with greater weight to poſterity, when it is known to be the opinion of the Judge, than merely the opinion of the Attorney General of the day:—and give me leave to ſay, I have no perſonal intereſt about this cauſe, but great intereſt committed to my care, which I have reaſon enough, God knows, to wiſh committed to any other, but I muſt, holding this office, take care that the juſtice of the country, be ſatisfied, and I have no further deſire upon it.

With reſpect to Major Cartwright, it is true my friend did aſk him queſtions to which I think I was entitled to object, but

I have on the part of the public gone this length, that when a ſhort queſtion is put to which a ſhort anſwer is given, I have been miſled by a wiſh to ſave the time of the Court, rather than upon any idea that, upon principle, it could not be objected to; but when I am told of that indulgence which I have no right to give (for I have no right to give indulgence, and I owe an apology to the Court and the public) but if that indulgence is to lead to a great body of evidence, with a great variety of links in the chain, and I feel that there is a ſolid objection to that ſort of evidence, it is my duty to aſk your Lordſhip's opinion upon it. If the evidence is of a nature that, in the mind of any human being, can do the priſoner any good, I will go ſo far as to ſay, for myſelf, and I ſay it without affectation, that I feel, as an individual, a ſtrong wiſh that your Lordſhip's judgment may be againſt me, but, let it be remembered, that the public is to be heard, as well as the priſoner, the priſoner is to be heard for the ſake of the public; the intereſts of the public are never conſulted, unleſs the priſoner is heard; and I avow it as a principle in conformity to which, I hope, I ſhall conduct myſelf, that I am an unfaithful ſervant of the Crown, if I do not remember, that the protection of the Crown is due to every perſon ſtanding in the ſituation in which this priſoner is—that it is a right he has to demand from the Attorney General, and that, as far as my heart will regulate my judgment upon this, no individual ever had a more anxious inclination, that every priſoner ſhould have the full benefit of that right. I ſit down without further obſervation upon this point, begging the opinion of the Court.

Lord Chief Juſtice Eyre. If this evidence is offered upon the ground of a declaration of the priſoner's, counter to ſome other declarations that may have been given againſt him in evidence, on the part of the proſecution, that is not a ſolid ground upon which this evidence can be admitted, becauſe there is nothing ſo clear, as that all declarations which a priſoner makes againſt himſelf, are, by the law of England, evidence againſt him, upon this preſumption, that no man would be ſuppoſed to make a declaration againſt himſelf, unleſs it were true, and that, on the contrary, the declarations which he makes for himſelf are not evi-

dence

dence for him, becauſe there the preſumption is directly the other way.

If it be inſiſted upon, that this is to be received as evidence upon the ſcore of general character, I doubt extremely, whether, in reſpect of the particularity of it, it can be received, becauſe general character is general character, and it is not a collection of many moral or religious acts of a man's life, but the reſult of all. General character may be oppoſed by evidence, but if you are, on the part of the priſoner, to go into all the particulars of his life which are in his favour, you will have an undue advantage in that reſpect, becauſe the Crown can not be prepared to oppoſe that evidence. We have very often gone into too many particulars, upon evidence of general character; but, whenever that point has been diſcuſſed, it has been found, that the true way of examining to character was to the general character.

It is certainly true, that, upon a charge of Treaſon, a priſoner has been permitted to give evidence, under the head of general character, that he was reputed to be a good and loyal ſubject. If the charge went to the particular caſe of his having a deſign againſt one of the great orders of the ſtate, you might examine witneſſes to ſhew, that his general character was, that he was reported to be a man firmly attached to the Conſtitution of the Government in King, Lords, and Commons; but it would be irregular, as I take it, to give particular inſtances in evidence.

But, in my apprehenſion, evidence, of the nature of that which is now offered, was given in the other cauſe; and, I think, ought to be admitted in this caſe; and I am of that opinion, upon the very ground of objection ſtated by the Attorney General. Mr. Attorney General ſtates, that his objection is, that evidence of this nature has no reference to the conſpiracy which is charged. To the conſpiracy which is charged in the indictment, in the very language of the indictment, perhaps it has no reference, but the queſtion is, whether it has, or has not, reference to the proof which has been offered in ſupport of the charge in the indictment; and whether it is not proper evidence to repel that proof? The proof that has been offered

is this—that this priſoner, and the other perſons concerned with him, under pretence of Parliamentary Reform, and holding that out to the world as a mere colour and pretext, had meditated a Convention, which Convention was to uſurp the powers of the Government, and to overturn the Conſtitution of the Country. Now it does appear to me, that evidence is, in its nature, proper to repel that charge which tends to prove the principles and opinions, and fixed ſentiments of the man who is charged with uſing Reform of Parliament as a pretence, that to prove the Reform of Parliament was the real object of his purſuits, thus ſupporting the reality of the grounds which he takes, it meets the evidence in ſupport of the charge. It was upon that ground, as I underſtand it, that all the evidence was admitted in the caſe of Hardy, to ſhew, that from the obſervations of the witneſſes on his converſation and conduct, he was a ſincere friend to a Reform in Parliament, upon the plan of the Duke of Richmond. Upon that ground, it appears to me, that it has an immediate relation to the evidence that has been given in the cauſe, as it goes to repel that evidence; and that, upon this ground it ought to be admitted.

I deſire to be underſtood carefully to avoid laying it down as a rule, that evidence of this nature will be admiſſible in all caſes of High Treaſon. In caſes where, perhaps, the overt act is in itſelf a plain act of Treaſon, as for inſtance in the caſe of Lord Lovat, where the diſtinct fact charged was his appearing in open arms, undoubtedly profeſſions or diſcourſes of loyalty would not meet that fact at all, and would only reſolve themſelves into evidence of general character. As to the queſtion now before us, I think we have in effect admitted this evidence before. I hope that we have admitted it upon a ſolid ground, it is a ground which, I confeſs, ſatisfies my judgment; and I think, therefore, that we ought to admit it in this caſe.

I would add, that I have ſo often explained the grounds upon which the acts and tranſactions of other perſons have been admiſſible, namely, to the general conſpiracy, leaving the other part of the caſe as ſecond in the order of things, viz. the queſtion, how far the priſoner is concerned in that general conſpiracy,

ſpiracy, that I do hope that it will not hereafter be objected in a way that (though I am perſuaded it is not meant) tends to throw a certain degree of reflection upon the admiſſion, as if all the declarations of all mankind, without limitation, and without any perſonal application, ſhould be admitted in evidence to load a particular perſon.

Mr. Gibbs. I underſtand your Lordſhip, in ſaying that, to allude to my argument; I certainly did throw that out; I meant only to ſay this—That, in this cauſe, the evidence muſt be taken to touch the priſoner, otherwiſe it would not be admiſſible; though I am aware of the diviſion your Lordſhip makes, that evidence has been received of any man who is proved to ſay any thing which touched this cauſe, and which was proved to touch this cauſe merely by his ſaying it; and it ſeemed to me, that that rule having been laid down as to the admiſſibility of evidence againſt the priſoner, did furniſh an argument not improper to be uſed by me, that evidence of the deſcription we offered ſhould be received for him. I am ſure I was far from meaning, directly or obliquely, to caſt the ſmalleſt imputation upon any deciſion the Court have come to.

Lord Chief Juſtice Eyre. You ſtated your propoſition a little too generally, and not quite ſo guardedly as you do now, but I am perfectly ſatisfied.

Mr. Attorney General. Before the title is read, as Mr. Debrett is not here———

Mr. Erſkine. He is here.

Mr. Attorney General. It will ſave trouble if you will tell me when this was publiſhed.

Mr. Erſkine. On the 10th of May, 1782.

Lord Chief Juſtice Eyre. It eſcaped me, or I ſhould have mentioned that the date affords a ſtrong obſervation upon the evidence; the ſentiments and opinions of a man very publicly declared, at ſuch a period as that, and the ſame opinions and ſentiments brought down to the preſent hour, in a connected manner, by the reſt of the evidence, ſeems to me to be a proper link of the chain.

(The following extracts were read from a Letter to Lord Aſhburton, from Mr. Horne, occaſioned by the Debate in the Houſe of Commons, on Tueſday, the 7th of May, 1782, on Mr. Pitt's motion for a Reform in Parliament.)

" MY LORD,

" The importance of the ſubject on which I addreſs your " Lordſhip, ſufficiently diſpenſes with preface, introduction, apo- " logy, compliment or ornament. And the criticalneſs of the " moment excuſes haſty publication. It would be ridiculous to " caſt a thought on the manner of my expreſſion, if the matter is " uſeful.

" By the vote of the Houſe of Commons, on Tueſday laſt, " Parliament, it ſeems, do not yet think it neceſſary to take into " conſideration the ſtate of repreſentation in this Country.— " However, my Lord, notwithſtanding that vote, I am ſtill " ſanguine enough to believe, that we are at the eve of a " peaceful Revolution, more important than any which has hap- " pened ſince the ſettlement of our Saxon anceſtors in this " Country; and which will convey down to endleſs poſterity all " the bleſſings of which political ſociety is capable.

" My Lord, my expectations are greatly raiſed, inſtead of " being depreſſed, by the objections which were urged againſt " Mr. Pitt's motion.

" One gentleman ſays, 'He cannot ſee any good purpoſe the " motion would anſwer; for it would not aſſiſt Government " with a ſhip, a man, or a guinea, towards carrying on the war " with vigour, or towards eſtabliſhing that much wiſhed-for " object, peace.'

" My Lord, I hope the meaſure will be made to produce to " Government both *ſhips*, and *men*, and *guineas*. For they " would be very poor politicians, indeed, who could not in one " meaſure comprehend many purpoſes; and ſtill poorer, who " ſhould miſs the preſent opportunity of obtaining, by this one " meaſure of reform, every deſirable object of the ſtate.

" Another

" Another gentleman apprehends, that ' nothing leſs than " giving every man in the kingdom a vote, would give univerſal " ſatisfaction.'

" My Lord, I truſt that there are very few perſons in this king- " dom who deſire ſo improper and impracticable a meaſure. But " if there were many, the wiſdom of Parliament would cor- " rect their plan, and the corrected would be well pleaſed at the " correction.

" Other gentlemen aſſert, that ' the conſtitution, as it now " ſtands, has ſtood for ages, without any material alteration.'

" My Lord, it will not be difficult to prove the contrary, by " an eaſy inquiry; and if they will begin with the laſt unexam- " pled alteration recently made, by the late adminiſtration, at " SALTASH, the objectors will hardly have countenance to " proceed any further.

" Another gentleman ' thinks the queſtion premature, and " that this is not the time.'

" Another, that ' the people do not deſire it.'

" And another, that the people CANNOT, indeed, deſire it " at any time; becauſe ' they have no voice but in the Houſe " of Commons.'

" My Lord, it would be ſafer for this latter doctrine, if an- " other ſimilar doctrine could be coupled with it; and if it " could be proved that the people have no HANDS neither but " in the Houſe of Commons. This VIRTUAL voice of the " people of England reſembles too nearly the VIRTUAL re- " preſentation of the people of America in the ſame place, to be " attended with any happy conſequences.

" But, my Lord, I turn with pleaſure from theſe little ſub- " terfuges, towards what I ſuppoſe to be paſſing in your Lord- " ſhip's mind. The end which I believe your Lordſhip to have, " at all times, in your view, is, happineſs to all beings capable " of happineſs; and eſpecially HUMAN HAPPINESS, as " univerſally extended as poſſible. But though an individual's " wiſhes may be, and ought to be, unbounded; however exalted, " his actual endeavours muſt uſually be limited; and, therefore,

" NATIONAL

" NATIONAL HAPPINESS, with the permanent ſecurity " of that happineſs, is the ultimate object of a patriot.

" To this end all his other objects muſt be conſidered only as " means. Even freedom itſelf is valuable, only as a means in- " diſpenſibly neceſſary to that end.

" My Lord, I find myſelf compelled to repeat theſe well- " known ſentiments; becauſe moſt of the errors of mankind, in " all their purſuits, ariſe from ſtopping ſhort in their progreſs, " and miſtaking ſome means for the end. We every day behold " it in the prac ice of the covetous, the ambitious, &c. And " *at this moment* I conceive it to be neceſſary to warn the well- " meaning patriot from the ſame miſtake.

" My Lord, I ſhall not waſte a word to ſhew the neceſſity of " a reform in the repreſentation of this Country. I ſhall only " conſider the mode of reform; and endeavour to ſhew that it " is not difficult to embrace every intereſt in the ſtate, and to " ſatisfy well meaning men of every deſcription. To this end I " am compelled firſt to remove the prejudices, and, indeed, *juſt* " objections, which ſome perſons entertain to all the modes of re- " form, which have hitherto been recommended.

" My virtuous and ineſtimable friend, Major Cartwright, is a " zealous and an able advocate for *equal* and *univerſal* repreſen- " tation; that is, for an *equal* and *univerſal* ſhare of every man " in the government. My Lord, I conceive his argument to be " this: Every man has an equal right to freedom and ſecurity. No " man can be free who has not a voice in the framing of thoſe laws, " by which he is to be governed. He who is not repreſented has " not this voice; therefore, every man has an equal right to repre- " ſentation, or to a ſhare in the government. His final concluſion " is, that every man has a right to an equal ſhare in repreſen- " tation.

" Now, my Lord, I conceive the error to lie *chiefly* in the " concluſion. For there is very great difference between " having an *equal right* to a ſhare, and a right to an *equal ſhare*. " An eſtate may be deviſed by will amongſt many perſons in " different proportions; to one five pounds, to another five hun-

" dred,

" dred, &c. each perſon will have an equal right to his ſhare; but " not a right to an equal ſhare.

" This principle is farther attempted to be enforced by an " aſſertion, that ' the all of one man is as dear to him, as the all " of another man is to that other.' But, my Lord, this maxim " will not hold by any means; for a ſmall all is not, for very " good reaſons, ſo dear as a great all. A ſmall all may be loſt, " and eaſily regained; it may very often, and with great wiſdom, " be riſqued for the chance of a greater; it may be ſo ſmall, as " to be little or not at all worth defending or caring for. *Ibit eo " qui zonam perdidit.* But a large all can never be recovered; " it has been amaſſing and accumulating, perhaps, from father " to ſon for many generations; or it has been the product of a " long life of induſtry and talents; or the conſequence of ſome " circumſtance which will never return. But I am ſure I need " not dwell upon this, without placing the extremes of fortune " in array againſt each other; every man whoſe all has varied " at different periods of his life, can ſpeak for himſelf, and ſay " whether the dearneſs in which he held theſe different alls, was " equal. The loweſt order of men conſume their all daily, as " faſt as they acquire it.

" My Lord, juſtice and policy require that benefit and burthen, " that the ſhare of power and the ſhare of contribution to that " power, ſhould be as nearly proportioned as poſſible. If ariſto- " cracy will have all power, they are tyrants and unjuſt to the " people, becauſe ariſtocracy alone does not bear the whole bur- " then. If the ſmalleſt individual of the people contends to " be equal in power to the greateſt individual, he too is in his " turn unjuſt in his demands; for his burthen and contribution " are not equal.

" Hitherto, my Lord, I have only argued againſt the *equality*; " I ſhall now venture to ſpeak againſt the *univerſality* of repre- " ſentation, or of a ſhare in the government; for the terms " amount to the ſame.

" Freedom and ſecurity ought ſurely to be equal and univer- " ſal. But, my Lord, I am not at all backward to contend that

" ſome

" ſome of the members of a ſociety may be *free* and *ſecure*, " without having a ſhare in the government. The happineſs " and freedom, and ſecurity of the whole, may even be ad- " vanced by the excluſion of ſome, not from freedom and ſecu- " rity, but from a ſhare in the government.

" My Lord, extreme miſery, extreme dependance, extreme " ignorance, extreme ſelfiſhneſs (I mean that miſtaken ſelfiſh- " neſs, which excludes all public ſenſe), all theſe are juſt and " proper cauſes of excluſion from a ſhare in the government, as " well as extreme criminality, which is admitted to exclude; " for thither they all tend, and there they frequently finiſh.

" My Lord, I know I ſhall receive no anſwer to this but— " the difficulty of drawing the line of excluſion on theſe ac- " counts; and the poſſibility or danger of abuſe, by a pretence " of theſe extremities. The bare *poſſibility* of abuſe, I hold to " be no argument; the danger and the difficulty I will ſhew to " be eaſily removeable.

" His Majeſty's conduct has reſcued his own perſonal cha- " racter from cenſure, (for in ſpite of forms and decorum Kings " have a perſonal character) and I doubt not he will for ever " henceforward remain very dear to his ſubjects. He ſtands " fully juſtified from all that has paſſed; for he has liſtened to " the voice of his people, where the conſtitution intended that " their voice ſhould be heard, and to which place the royal ear " is by the ſame conſtitution directed. Members are ſent to " Parliament to keep up the communication between the King " and his ſubjects. There it is, in a real and fair Parliament, " that the people wiſh their voice to be truly heard; and that they " may have removed from them the occaſion of thoſe honeſt, " becauſe neceſſary, though irregular meetings, petitions, and " interference to which they have for ſome years paſt been in- " voluntarily driven. But the voice of the people in the pre- " ſent reign has not been heard till lately (and then heard but

" once)

" once) within the walls of the Houſe of Commons, nor will
" it be ever heard there again; freſh errors and freſh miſlead-
" ings will again take place; the voice of contractors, of pen-
" ſioners, and jobbers, together with the proprietors of a few
" decayed burgage tenures, will again be called the only voice
" of the people, unleſs the honeſty, or the good ſenſe of ad-
" miniſtration afford the remedy by reforming ſubſtantially the
" vices of repreſentation.

" We have been accuſtomed to be told, that there was ſome-
" thing *behind* the throne. My Lord, there can be nothing
" behind the throne more malevolent to the rights of the people,
" than what we now ſee before it. The people are no longer to
" be cheated, they look to adminiſtration for the late defeat of
" their wiſhes.

" What! can they who have carried all for themſelves, carry
" nothing for the people, who, if Miniſters themſelves are to be
" credited, have puſhed them into office? The people know
" that if all the preſent adminiſtration had choſen to do them
" juſtice, if they had been half as unanimous for national rights
" as they have been for national honours and emoluments, the
" queſtion would have been highly carried laſt Tueſday. Good
" God! Is it always to be thus? one pay-maſter *denies*, the other
" *deſpiſes* the voice of the people.

" What, ſays he to the people! If your hands are dirty, will
" you go to the puddle to clean them? I am heartily ſorry, my
" Lord, that there ſhould be any members of the preſent admi-
" niſtration who require to be informed, that the ſame thinneſs
" of the web which makes the water-bubble riſe; when riſen
" makes it burſt.

" If they are timely wiſe, they will yet give to the people
" their *ſober*, *moderate*, fair and honeſt rights.

" The prerogative of the Crown, which is glorious to the
" monarch, and beneficial to his ſubjects, they will place (as it
" ought to be placed) high, brilliant, and independent.—A great
" weight at bottom can bear a great weight at top.

" Let the ariſtocracy, unenvied, enjoy their full and honour-

" able

" able proportion of influence to which they are juſtly intitled " in the ſtate; but let them ceaſe, as a faction, to ſhackle the " hands of their Sovereign, whilſt they debaſe and plunder his " ſubjects."

(*Major Cartwright*, called again.)

Mr. Tooke. Is that your hand-writing? *(ſhewing the witneſs a ſheet of parchment.)*

Lord Chief Juſtice Eyre. What is this, Mr. Horne Tooke?

Mr. Tooke. This is an aſſociation into which this gentleman, a member of the Conſtitutional Society as I am, and a member of the Society of the Friends of the People, entered, and has ſigned with his name; it is an act of his, of the ſame nature as thoſe acts which have been brought againſt me, to ſhew the diſpoſition, intention, and objects of perſons who aſſociated together. This gentleman is a member of that very Society to which I belong, as well as to others; this will ſhew what his mind was in other Societies, in order to ſhew what his mind was in that Society to which he and I belonged.

Lord Chief Juſtice Eyre. As far as it tends to ſhew your mind, it will be material; as far as it tends to ſhew Major Cartwright's mind, it is perfectly immaterial.

Mr. Tooke. I thought that the minds of other perſons, connected with other perſons, with whom I am connected, had been, all through this trial, produced againſt me, to ſhew what my mind muſt be, their minds being ſuppoſed to be ſimilar.

Lord Chief Juſtice Eyre. Their minds in the meaſures charged againſt you—this aſſociation makes no part of the charge againſt you.

Mr. Tooke. Nor does any other aſſociation, I believe, make a part of the charge againſt me. I will tell your Lordſhip where, by whoſe means it is we are entangled, and why that evidence, which is not admiſſible in any other caſe, is competent to be admiſſible where a ſpecific fact is produced againſt a

man

man undoubtedly ignorant, as I am, of the proceedings of a Court of Juſtice.

I ſhould have been the laſt man in the world to have propoſed in a Court, for any client, to have produced any prior or poſterior declaration of the party ſuppoſed criminal, but the proſecutors here have driven us to ſuch ſort of evidence, as any man, who ever had attended to the proceedings of a Court of Juſtice, would have bluſhed to have beheld in any other caſe; and we are driven to it, becauſe of the kind of overt-act laid in our indictment, which has compelled the proſecutor to produce a ſort of evidence which was never produced before; which has compelled the Court, in all theſe trials, to ſit from day to day, and has produced that train of evils of which I unfortunately am the victim. Thus we ſtand in every ſort of charge, except this charge of compaſſing the death of the King.

I am very fearful, leſt in what I am going to ſay, the whole Bar, or any gentleman of the profeſſion, ſhould miſtake me, or think I mean to impute any thing to them; and therefore I muſt mention to your Lordſhip, that it is the caſe with perſons in all thoſe profeſſions, by which fortunes and greatneſs are obtained, that they confine their attention, and keep cloſely and ſtrictly to the ſtudy of thoſe parts of their profeſſion from which their advantage is to ſpring; and I will mention an inſtance, becauſe the gentlemen ſhould not ſuppoſe that I mean any joke, or ridicule upon them.

It happened to me, in the courſe of my purſuits, to have occaſion to know the particular parts of the organs of ſpeech. I, firſt of all, applied to all the books of anatomy which I could get at; having done ſo, I made a friendſhip with the beſt anatomiſt of his day, who added to his profeſſional ſkill great common ſenſe, and he, when I came to enquire of him upon the ſubject, though no anatomiſt myſelf, was exceedingly aſtoniſhed: he fluttered, he heſitated; at laſt he confeſſed to me—Sir, you know more of this matter than I do, though an anatomiſt; for no gain can poſſibly ſpring to me, or to ſurgeons, from a knowledge of the parts of the organs of ſpeech, no diſeaſe being there, and we are never called in, for that purpoſe, to have a

fee. The ſame caſe happens with the gentlemen at the Bar—from that my misfortunes ariſe—and I mention this firſt, to ſhew I mean no particular imputation or ſlur upon them. The miſchief of this whole matter ariſes from hence:—The gentlemen at the Bar are very wiſe, indeed, in all the applications of law becauſe from thence ariſe all their fees; but, in regard to the cauſe of law, they very rarely conſider it, for no gain can ariſe to them from ſo doing. Hence ariſes this miſchief: all penal laws are made ſuppoſing thoſe laws to be applied to men whoſe inclinations are contrary to that which the law deſires men ſhould purſue; that is taken for granted, for the ſanction of every penal law is puniſhment: there is no occaſion to apply the ſanction of puniſhment to men to prevent them from doing what they are diſinclined to do.

How is the caſe here? Look through the whole of theſe proceedings, you will find that an attempt is now made, not to puniſh the bad actions of men, but to puniſh their ſuppoſed inclinations—here lies our miſchief, the whole turn of this proſecution, and all the evidence ſeems to endeavour to prove upon men certain inclinations—republican inclinations—antimonarchical inclinations—inclinations unpleaſant to the Government of this Country; whereas, a man, provided he does not *act*, may be a Republican, which I never was, as will appear very plain; but had they been my ſentiments, I might have declared thoſe ſentiments, the law puniſhes no inclinations, the law ſuppoſes the inclination, and that it is reſtrained merely by fear of that puniſhment which the law ſanctions. But there happens to be, in this indictment, one ſingle charge of intention—the compaſſing the death of the King; which is alone the crime, and the overt act is only the proof; here we get entangled, becauſe the intention is the crime, and the only one; in all other caſes the act is the crime, but here the intention is the crime; conſequently, the law bound up ſo ſtrictly, as you know better than I do, the neceſſity of the overt act to be laid, becauſe the inclination or intention is the crime. Now we have got into this indictment, on which I ſtand here, at the riſk of all and every thing I have.

An innocent overt-act—a meeting to go to church, if that had been the overt-act in the indictment, with the intention and purpoſe of compaſſing the death of the King, would have been juſt as fatal to me as an overt-act of a meeting—not a meeting indeed, but merely ſtating it as our opinion, that it would be deſirable that certain perſons ſhould meet together in order to appoint other perſons. And, I take it, that all my difficulty, and the difficulty of the proſecutors, and all my entanglement, ſprings from an overt act being laid by which I might be made out guilty by every thing upon earth that it is poſſible to produce; and, for that reaſon, your Lordſhip has fairly and candidly——I am ſure all the conduct I have received from your Lordſhip and the proſecutor has been ſuch as totally to change the temper of my mind, with which I firſt came into this Court; and I ſhall never be able to expreſs the gratitude I have to acknowledge for it. But I think that in the courſe of that kind of reaſoning which you Lordſhip has held, of permitting that ſort of evidence to be admitted, which would not in any other caſe, I think that under that rule I am permitted to introduce this as evidence. This is the original act of the aſſociation in the year 1780, ſigned by eight or ten gentlemen of diſtinction, now in the Court; Major Cartwright one, a member of the Conſtitutional Society; Mr. Fox another; Mr. Sheridan another; perſons of diſtinction, underſtanding, ſtation, every thing; and they go to the very ſame overt act, with expreſſions ſtronger than thoſe which are uſed by any Society that I have heard of, and omiſſions greater than any that have been charged as crimes—for omiſſions have been charged as crimes. The word *Parliament* ſometimes inſerted, ſometimes omitted; if omitted it is a crime—if inſerted it is a pretext; ſo that whether the relief was to come from Parliament, or Parliament is not mentioned, we are in the ſame caſe: the Attorney General has loaded me with crimes both for doing and for not doing, —if I inſert, it is pretext; if I omit, it is crime.

I wiſh to introduce it to ſhew, that, if I am a traitor, every man who deſerves the reſpect of this Country is a traitor, the

Miniſter himſelf into the bargain, for I have his hand-writing, and I ſhall call him to give evidence to his own ſignature. Every Miniſter that has, at any time, been reſpected or talked of in this Country, I can prove to be equal traitors with myſelf.——

Lord Chief Juſtice Eyre. You muſt eaſily ſee, that if you could prove that, it would not touch this charge; I could have wiſhed that you would have forborne a great deal of what you have now ſaid, which goes to the main ſubſtance of your defence. What you were to do at this moment was ſimply to have opened to us what the nature of this Aſſociation was, that we might ſee whether it fell within the compaſs of the rule which was laid down before, or whether, upon any other principle, it could be admitted as evidence. You have gone only now ſo far as to ſtate, that it is ſome aſſociation, in which your name with other great names is to be found.

Mr. Tooke. No, my Lord, this is too criminal for my name to be found in it.—My name was never to ſuch an inſtrument as this.

Lord Chief Juſtice Eyre. Whatever other people have done, neither conſtitutes your guilt nor your innocence; if they have done right things, if they have done imprudent things, if they have done treaſonable acts, it does not go one jot towards the preſent enquiry.

Mr. Tooke. Your Lordſhip will pardon me, as you have all through, for the miſtakes I have been guilty of, if I introduce what I ought not; but, I confeſs, I cannot help believing that the Jury would not very willingly pick out one ſingle traitor of the Country to make him an example of.

Lord Chief Juſtice Eyre. I cannot tell how that may be, but I muſt go by the rules of evidence.

Major Cartwright. Happening to be called up again, I wiſh to add a word or two of explanation to one of my anſwers to the Attorney General, when he aſked me what perſons I would take to my aſſiſtance in compaſſing the end I had in view.

Mr. Attorney General. The queſtion I aſked you was this—That if you were one of the Friends of the People, who rejected all

all correſpondence with the Conſtitutional Society, and alſo one of the Conſtitutional Society, who had received an intimation that their correſpondence was rejected by the Friends of the People, I think the queſtion I aſked (perhaps not in ſtrictly proper terms) was—Whether you would get out with the Friends of the People at Hounſlow, or ſtay in with the Society for Conſtitutional Information.—In other words—Whether you would go in a ſtage-coach even to Hounſlow with people of different political principles, whatever their principles were?

A. I think my anſwer was, that I would take the aſſiſtance of any man whoſe end I thought right. I beg, to prevent any miſunderſtanding of that anſwer, to ſay—by legal, regular, moral, and conſtitutional means, and not by any others; and I beg to explain it thus—I have ſigned many petitions for a Reform of Parliament in company with men whom I have thought very bad indeed; but there is no man ſo bad with whom I would not ſign a petition, and concur for obtaining that object.

Lord Chief Juſtice Eyre. That may be a very ſincere declation, Major Cartwright, but it is not a very prudent one; becauſe, in connecting yourſelf with bad men, you can never be ſure that you may not be carried far beyond your own purpoſe.

A. I mean, that if I am doing any act as a citizen, ſuch as ſigning petitions. Men with whom I have acted upon thoſe occaſions, are men whoſe faces I have never ſeen, and with whom I could not admit myſelf upon all occaſions to aſſociate with regard to their other purpoſes.

Mr. Tooke. I beg your Lordſhip's direction relative to the admiſſion of this evidence which I propoſe, becauſe it will determine me whether I ſhall relieve a great number of perſons of rank whom I have kept in waiting.—This evidence of the Weſtminſter Aſſociation I underſtand to be not admiſſible.

Lord Chief Juſtice Eyre. I take it to be clearly ſo.

Mr. Erſkine. I propoſe to call Mr. Fox, and I will ſtate, without any obſervation, the purpoſe for which I call him—to prove acts of Mr. Tooke which mark clearly and diſtinctly his political ſentiments, for the reaſon your Lordſhip has pronounced, to bring him down from an antecedent, to a later period.

I mean to call Mr. Fox, to prove, that Mr. Tooke attended a general meeting of the Delegates of Committees from towns and counties, convened at the Thatched-houſe tavern, Saint James's Street, and was ſtrenuous to aſſent to Mr. Pitt's plan for a moderate and gradual Reform, and to return Mr. Pitt thanks for the motion he had made to that purpoſe in the Houſe of Commons.

The Right Honourable Charles James Fox, (ſworn.)

Examined by *Mr. Erſkine.*

Q. Do you remember ſeeing Mr. Tooke at the Thatched-houſe tavern, St. James's ſtreet?

A. Yes, very well.

Q. When?

A. I think ſomewhere about the year 1785; I think it was very ſoon after one of Mr. Pitt's motions for Parliamentary Reform, in the year 1785, to the beſt of my remembrance.

Q. Upon what occaſion were you preſent at that time at the Thatched-houſe tavern, when you there ſaw Mr. Tooke?

A. To the beſt of my recollection, I ſpeak entirely from recollection, there was a meeting called in very general looſe terms, of all the Friends to Reform,—I think that was the general mode in which the meeting was called; and, to the beſt of my recollection, it was called by Mr. Wyvill, to meet at the Thatched-Houſe Tavern, ſoon after Mr. Pitt's motion, in the year 1785, had been made.

Q. Were any gentlemen appointed by any particular diſtricts to attend that meeting?

A. Certainly not.

Q. Do you recollect, upon Mr. Tooke's being there, any thing paſſing upon the ſubject which brought that meeting together?

A. To the beſt of my recollection, the object of thoſe who called that meeting, was to give a direct approbation to the ſpecific and particular plan of Reform which had been propoſed by Mr. Pitt, in the Houſe of Commons.

Q. Upon

Q. Upon that occaſion did Mr. Tooke aſſent to, or diſſent from, that which had been done?

A. To the beſt of my recollection, he ſupported a motion for giving approbation to the ſpecific plan of Reform propoſed by Mr. Pitt.

Q. Do you recollect whether there was any motion to return thanks to Mr. Pitt, for the propoſition he had made?

A. I do not recollect whether it was in that form—I recollect the ſubſtance more than the form—that what was intended was to convey an approbation of the ſpecific mode of Reform propoſed by Mr. Pitt, whether that was in a motion declaring their approbation, or in a motion of thanks to Mr. Pitt, is what I do not recollect.

Q. But your recollection ſerves you that Mr. Tooke attended there as a friend to the meaſure?

A. I have not the leaſt doubt of that, I think he ſupported the motion which appeared to me to be deſigned for the purpoſe of conveying an approbation to the ſpecific plan propoſed by Mr. Pitt, in which many others, among whom was myſelf, did not think fit to join.

The Right Honourable Charles James Fox,

Croſs-examined by *Mr. Attorney General.*

Q. I underſtand Mr. Tooke, at that meeting, approved the ſpecific plan of Reform of Mr. Pitt?

A. I underſtood ſo—it might be in the form of thanks to Mr. Pitt, and not in that form.

Q. It is neceſſary in a Court of Juſtice to prove what was the ſpecific plan of Mr. Pitt—If you recollect what the motion in the Houſe of Commons was, I ſhall be obliged to you to ſtate it?

A. The general tendency of the plan of Reform, as well as I recollect it, was a general propoſition, that if any Boroughs (I forget whether particularly deſcribed or not) propoſed to ſell their right of ſending Members to Parliament, that the right ſhould be purchaſed by the public, and in lieu of Members choſen for thoſe Boroughs, a right of election was to be given,

as well as I recollect, either to the freeholders of the counties at large, or the freeholders of the diſtricts of counties.

Philip Francis, Eſq. (ſworn.)

Examined by *Mr. Erskine.*

Q. You are a member of the Society called the Friends of the People?

A. I am.

Q. I believe you took the trouble to draw up the plan of Reform to be ſubmitted to that Society?

A. I did.

Q. Have you that plan here?

A. Not in Court.

Q. After you had prepared that plan of a Reform in the Houſe of Commons, and ſubmitted it to the conſideration of this voluntary Society, of which we are both members, do you remember ſeeing Mr. Tooke?

A. Yes.

Q. How long ago?

A. In the courſe of the ſummer of 1793.

Q. Upon what occaſion was it that you ſaw Mr. Tooke?

A. Though I had not the honour or the pleaſure of an intimacy with Mr. Tooke, I had known him long ſlightly, and even of that ſlight acquaintance there were many intervals in which I never ſaw him.—Upon the occaſion of my having drawn up the plan, to which a former queſtion alludes, I met Mr. Tooke by accident in the road to town, (he lives near me in the country) knowing, or believing him to have been at all times a ſtrenuous advocate for a Reform of the Houſe of Commons, and knowing, or believing him to be one of the moſt learned men in the kingdom, particularly with reſpect to the points to which that plan had reference, namely, the Antiquities, the Hiſtory, and Conſtitution of this Country, I thought I could not do a better thing for the object which I had in view, ar any thing more expedient for my own inſtruction, than to aſk the favour of him, which I did, to examine this plan particularly, to inform me if any of the references, or any of the authorities,

thorities, or any of the laws and cuſtoms to which the plan alludes, were miſtated, as likely they might be by a perſon ſo little informed, or much leſs informed upon theſe ſubjects, that he would have the goodneſs to examine it attentively. I did not deſire to diſcuſs the principles of it with him at all, but merely that he would be ſo good as to examine it with reſpect to authorities and references, and upon this to inform me if I had incorrectly ſtated any thing: he ſaid he would undertake to do that for me, and that he would make ſome obſervations upon it, in conſequence of which I called upon him three or four times at his houſe at Wimbledon, and I availed myſelf of the information he gave me, and corrected my plan in ſome particulars.

Q. From the converſation between Mr. Tooke and yourſelf, in conſequence of his having looked over this plan—Did you make any obſervations how far his ſentiments concurred with yours, and whether he would be ready to ſupport that plan which you had propoſed?

A. It did appear to me, that in general, and upon the whole, he approved of it much.

Q. Do you remember whether Mr. Tooke did not ſay, that though he approved of your plan, in the manner you have now deſcribed, that even if that could not be accompliſhed, ſhort of that would be a ſatisfaction to him?

A. It muſt be remembered that the converſations I had with him I never conceived could be brought forward to any further application, and they did not make all the impreſſion upon me that the merit of his obſervations might be entitled to.

Lord Chief Juſtice Eyre. Do you recollect his ſaying he approved your plan in the manner you have now deſcribed; but that if that could not be accompliſhed, even ſhort of that would be a ſatisfaction to him?

A. I do not recollect.

Mr. Erskine. Did your plan extend to a Reform in any other part of the Conſtitution, than the repreſentation of the people in the Houſe of Commons?

A. To nothing elſe.

Q. From any of the conſervations you had, *bona fide*, and confidentially with Mr. Tooke, ſo lately as 1793, did any thing paſs which led you then or now to believe or ſuſpect, that Mr. Tooke diſagreed with you in the great principles of the Conſtitution?

A. I thought not.

Philip Francis, Eſq.

Croſs-examined by *Mr. Attorney General.*

Q. You did not deſire to diſcuſs the great principles of the plan, but merely that he would examine it with reſpect to the authorities and references?

A. That was the ground upon which I aſked him.

Mr. Erskine. Do you recollect any thing being ſaid in the converſation between you about the Scotch Convention?

A. Yes, I think there was.

Mr. Erskine. Do you recollect what he ſaid about it?

A. I think he told me, that he had been applied to or ſolicited to be a member or delegate from ſome of the London Societies to that meeting, and that he had poſitively refuſed it. I alſo think he told me, that in conſequence of his refuſal he ſtood in great diſrepute, in great ſuſpicion with ſome of the popular Societies.

Mr. Attorney General. You ſay you think Mr. Tooke told you ſo, can you take upon yourſelf to be certain of that?

A. Indeed, I am certain of it, I can ſay it poſitively.

Q. I will take the liberty to put the queſtion to you in the ſhape of an aſſertion, becauſe you proved it the other day—that Margarot and Hardy called upon you to requeſt you to preſent a petition to the Houſe of Commons, in 1793?

A. Yes, they did.

Q. Did you know, at that time, that Margarot and Hardy were aſſociated members of the Conſtitutional Society?

A. I did not know it.

Q. Nor no intimation was given you, at that time, that Margarot and Hardy were aſſociated members of the Society for Conſtitutional Information?

A. If

A. If it is meant the Society which ſent the petition,

Q. That was the Correſponding Society?

A. I am not ſure that I know the diſtinction between the two, but I conceive they came to me from the Society of which Mr. Hardy was Secretary, and no other.

Q. Had you reaſon to believe, at the time you talked with Mr. Tooke, in 1793, that he had been any way concerned in forming the London Correſponding Society, and regulating it?

A. I knew nothing of it.

Q. You are one of the Society of the Friends of the People, I think?

A. I am.

Q. Whether you were a member of the Friends of the People, when Lord John Ruſſel's letter was ſent to the Society for Conſtitutional Information, to inform them, that the Friends of the People would have no communication with them?

A. I was.

Q. Have you recollection enough of the tranſaction to know whether that reſolution was carried by a caſting vote, or by a larger majority?

A. I am poſitively certain that it was carried by much more than a caſting vote; there never was a diviſion in that Society but once, which was carried by a caſting vote, and it was not upon that ſubject.

Q. Did you happen to know, after that communication had paſſed between your two Societies, that ſeveral perſons who were members of the Society for Conſtitutional Information, ſtill remained members of the Society of the Friends of the People?

A. I underſtood that there were ſome perſons—particularly Major Cartwright, and ſome others.

Q. Have you any reaſon to know of the exiſtence of a letter from Sheffield, to the Society for Conſtitutional Information, relative to the correſpondence which had taken place between them and the Friends of the People?

A. I cannot ſpeak to that point.

Philip

Philip Francis, Eſq.
Re-examined by *Mr. Erſkine.*

Q. You are aſked whether you knew that Mr. Tooke had had any concern in framing the propoſitions to the public, publiſhed by the Correſponding Society?

A. I know nothing of it.

Q. You knew that there was ſuch a Society?

A. I did.

Q. Have you ſeen, upon the books of the Society of the Friends of the People, a letter from the Conſtitutional Society, aſking them to ſend a Delegate to this Convention?

A. I do not immediately recollect it, but if it is upon the records I muſt have been preſent at it, becauſe I attended all the meetings.

Mr. Erſkine. It is a letter ſigned by Mr. Breton, declining that, but ſaying as far as their object was a Reform of Parliament, you were ready to co-operate with them?

A. I do remember that.

Q. At the time this letter was written to the Society of the Friends of the People, aſking them to join in ſending a Delegate, which was declined by the Friends of the People, but yet in that civil way, that they were ready ſtill to co-operate with that Society—Did you know that there had been a Convention at Edinburgh?

A. I do not remember.

Philip Francis, Eſq.
Examined by *Mr. Tooke.*

Q. You have been aſked whether you diſcuſſed with me the plan which you had propoſed for a Reform in Parliament. You anſwered, I think, that you had not diſcuſſed it with me.—Will your recollection lead you to ſay that we did not diſcuſs that plan together?

A. I ſtated that in applying to Mr. Tooke for his aſſiſtance, it was not with a view to diſcuſs the principle, for upon that my mind was formed, but to receive information and correction,

if

if I had misſtated any thing reſpecting the authorities and references.

Lord Chief Juſtice Eyre. The queſtion Mr. Horne Tooke puts to you now, is whether, in fact, in the courſe of your converſations, you did enter into any diſcuſſion of the plan with him?

A. It is very likely we might.

Mr. Tooke. Does your recollection carry you far enough to know whether, in the courſe of the ſummer of 1793, you viſited me once, twice, thrice, or oftener?

A. I cannot be poſitive to the number of times, it was convenient to me in that part of the country, to call upon Mr. Tooke, it might be four or five times, perhaps, in the courſe of the ſummer or autumn.

Q. Might it not be five or ſix times?

A. It might.

His Grace the Duke of Richmond called again,
Examined by *Mr. Tooke.*

Q. I beg your Grace to recollect whether I ever waited upon you with Doctor Brockleſby at the Ordnance Office, in Palace-yard, Weſtminſter?

A. My own recollection does not ſerve me upon this occaſion, but Doctor Brockleſby having told me that he had done ſo, I make no doubt that it was ſo,

Q. I aſk ſome queſtions in order to aſſiſt your Grace's recollection, which otherwiſe it is not neceſſary for me to aſk—Does your Grace recollect a young man in the drawing-room in the Tower of the name of Edridge when firſt your Grace was made Maſter General of the Ordnance?

A. It has eſcaped my memory.

Q. Does your Grace recollect the reform, that when firſt you were made Maſter General of the Ordnance, you made in the drawing-room at the Tower?

A. I do.

Q. Do you recollect that the courſe of education was altered, and that Woolwich was preferred for many of them to the drawing-room in the Tower?

A. It

A. It was.

Q. Does your Grace recollect that in conſequence of that, two or three young men at the top of the drawing-room in the Tower, were by change of ſituation, as they imagined, conſiderably aggrieved, hurt in their income, and do you recollect any application about it?

A. I had applications of various kinds, but preciſely I do not recollect that.

Q. Does your Grace recollect giving to me a letter for Lord Mulgrave, who at that time was Paymaſter, recommending this young man, Edridge, whoſe name I mentioned?

A. I have ſome faint recollection of that, but the matters being of ſo long a date, and having never thought of them ſince———

Q. So much buſineſs may eaſily put theſe ſmall matters out of your Grace's mind?

A. I have ſome recollection of the circumſtances you mention.

Q. Perhaps you may recollect my waiting upon you at the Office of Ordnance with this young man, in order to requeſt your Grace's aſſiſtance that he might be remedied in ſome manner, for the misfortune which happened to him there, by applying to Lord Mulgrave, in order to obtain for him a ſituation in another department?

A. I do not recollect that.

Q. Perhaps your Grace recollects ſeeing me at the Office of Ordnance at that time?

A. I do—but it had eſcaped me till Doctor Brockleſby mentioned it.

Mr. Tooke. I ſhall not do it if the Court tells me it is improper, but perhaps in ſuch a ſtate of not recollecting, it may be neceſſary for me to put my queſtion in a plainer manner than I ſhould otherwiſe do, becauſe I know, in examinations in chief, it is the rule to aſk general queſtions to facts, and let the witneſs recollect them.

Lord Chief Juſtice Eyre. Purſue your own method; if it does not lead you too far, we ſhall probably not think it neceſſary to check it.

Mr.

Mr. Tooke. Perhaps your Grace may recollect, after the buſineſs of this young man was concluded, and you had kindly given me a letter for the Paymaſter for him, aſking me whether I approved of Mr. Pitt's ſpecific plan for paying to thoſe gentlemen who were proprietors of Boroughs, and whom that plan ſuppoſed were not willing to yield any thing eſſential to the ſalvation of the Country, unleſs they were paid for it—perhaps your Grace may recollect aſking me whether I approved of that part of Mr. Pitt's plan?

A. I am very ſorry that I cannot recollect it.

Q. Perhaps a circumſtance which ſtruck you at that time, may recal the whole to your recollection—can your Grace recollect that you diſliked the expence that it would cauſe to the nation, and do you recollect a propoſal I made that inſtead of the proprietor of a Borough having an hereditary right to a ſeat in the Houſe of Commons, an exchange might be made, and a peerage given to him, by which he would have an hereditary ſeat in the Houſe of Lords?

Duke of Richmond. Pray ſtate that again

Mr. Tooke. That a ſort of exchange might be made—that a peerage ſhould be given the proprietor of a Borough, by which he would have an hereditary ſeat in the Houſe of Lords—a ſuggeſtion from me that great expence might be ſaved, and great benefit might accrue to the nation, ſince the repreſentation would be reformed without any hurt to any body, by giving to the proprietor of a Borough a peerage, as an hereditary ſeat in one Houſe, inſtead of an hereditary ſeat in the other, as a full compenſation for this Reform in the repreſentation of the Country?

A. I cannot ſay that I recollect it—it is very poſſible that ſuch a thing may have been ſaid to me, but I do not recollect it.

Q. Has your Grace no recollection of the advantage that was ſtated to ariſe to the Country from ſuch a ſcheme?

A. It is at ſuch a diſtance of time, and not having had any idea that I ſhould be called upon for it again, I cannot recollect it,

Q. I ſhould not have thought your Grace would recollect it, except for the extreme ſatisfaction that at that time you expreſſed———

A. I am far from ſaying that it did not paſs, only that I do not recollect it.

Q. It would have been ſo far a pleaſure to me, becauſe it ſhews I was for promoting a peaceable method to ſatisfy the proprietors of Boroughs—Does your Grace ever recollect to have met me in a more public place, and which it will not be eaſy to forget—in a Convention of the City of Weſtminſter, with the City of London, the Borough of Southwark, the County of Middleſex, and the County of Surry, not by delegation—to the number of a thouſand or twelve hundred together—a Convention of them under the name of the Quintuple Alliance?

A. I recollect having met Mr. Tooke upon a public occaſion of that ſort, but whether exactly that he deſcribes I cannot tell—It was the Quintuple Alliance at the London Tavern.

Q. Where, I ſuppoſe, your Grace may perhaps recollect you have frequently met me?

A. I have ſeveral times ſeen Mr. Horne Tooke at public places, but whether exactly at the London Tavern or the Thatched Houſe (I think I met him there)—I cannot charge my memory to the exact places.

Q. I firſt endeavour to draw to your Grace's recollection the Quintuple Alliance, and then I would beg to aſk your Grace whether you recollect at any of thoſe meetings of the Quintuple Alliance, having declared to thoſe who were preſent, that we muſt not reproach you and other Gentlemen in your ſtation, if you did not ſucceed in a Parliamentary Reform, for that the people muſt do it for themſelves?

A. I cannot ſay that I recollect that.

Q. Your Grace will recollect it, perhaps, from this circumſtance, it was a very tempeſtuous evening—Do you recollect the time of the coalition, commonly ſo called, the junction between Lord North and Oppoſition?

A. Perfectly.

Q. Does

Q. Does your Grace recollect the very forlorn ſituation in which I ſtood when Sir William Plomer was Mayor, with about twelve hundred gentlemen, with your Grace amongſt them, very much enraged at me for ſupporting the independence of the Crown againſt this junction of parties to ſeize power?

A. So far from recollecting that, I never felt any animoſity to any body for a propoſal of that kind.

Q. Your Grace recollects the circumſtance of the meeting and the ſtormy night, I ſuppoſe?——Do you recollect being diſpleaſed at too free a mention being made of Mr. Fox?——Do you ever recollect at any period at the Quintuple Alliance, having ſeen me in the ſituation of ſtanding for an hour alone againſt the hootings and hiſſings of the meeting, and ſucceeding at laſt to have their unanimous approbation?

A. I recollect having ſeen Mr. Tooke at ſome of thoſe meetings, but at what meeting I cannot ſay; very often in a minority, and arguing, and ſpeaking with great ability, but I cannot recollect the particular ſubject, and very often gaining great approbation, but really I do not at this diſtance of time remember the circumſtances ſo as to be able poſitively, upon my oath, to ſtate the particular occaſion.

Q. Was your Grace a member of the Society for Conſtitutional Information?

A. I was.

Q. How many years back?

A. That I do not recollect.

Q. I would aſk your Grace that which I think it impoſſible for you not to recollect—Whether you ever heard me at any of thoſe meetings, ſay any thing againſt the King, the Lords, or the Conſtitution of the Country?

A. Never—quite the contrary I aſſure you.

Q. Do you recollect introducing Mr. Pitt at a Convention of Delegates from the different counties and great towns at the Thatched Houſe Tavern?

A. I recollect having met Mr. Pitt there, but I do not remember that it was by my introduction.

Q. You met Mr. Pitt there?

A. I have met Mr. Pitt at ſome of thoſe meetings; I think, at the Thatched Houſe Tavern.

Q. Can your Grace recollect that, at that meeting, you were principally concerned in perſuading thoſe, who were preſent, to give up their own private opinions, and leave it to the honour and diſcretion of Mr. Pitt what plan to purſue, in order to obtain a Reform in Parliament?

A. I do recollect it.

Q. Your Grace recollects that this Convention of Delegates met, when we placed our confidence in Mr. Pitt, for that purpoſe; that we met, we knew not for what, and parted, not knowing what would be done. I am putting, in other words, what your Grace has recollected; that we met, and, having met, truſted to the honour of Mr. Pitt, to purſue ſuch plan as, in his diſcretion and honour, he ſhould think fit, in order to obtain the object that we had in view?

A. Yes.

Lord Chief Juſtice Eyre. What does your Grace recollect?

A. I recollect a meeting with Mr. Pitt, I think, at the Thatched Houſe Tavern; and I do recollect that I, at that meeting, did endeavour to perſuade thoſe who were for a more extenſive reform, not to inſiſt upon that, but to truſt to the attempts that would be made by Mr. Pitt, in the Houſe of Commons, for a more moderate Reform.

Mr. Tooke. Not knowing any thing ſpecifically?

A. I do not pretend to ſay, whether it was mentioned what that plan was to be or not, but I did what I could to induce thoſe, who were for the more extenſive Reform, to withdraw their wiſhes upon that occaſion, and to truſt to the more moderate one that was to be propoſed by Mr. Pitt.

Mr Tooke. I underſtand your Grace to have anſwered to my queſtion—that, as there were different opinions in this Convention of Delegates, from the counties and great towns, (and very numerous they were) that we were perſuaded, each individual, to relinquiſh his own particular ſentiments, and to truſt to the diſcretion and honour of Mr. Pitt, to take ſuch ſteps as he, in his wiſdom and judgment, ſhould think fit.

A. I re-

A. I recollect that, but I do not recollect that the heads of Mr. Pitt's plan were then known.

Q. I will endeavour to recal your Grace's recollection to the time I ſpeak of. Perhaps your Grace may be pleaſed to recollect, that, after Sir George Saville had not choſen to undertake the buſineſs, and Mr. Pitt was propoſed, this was the firſt meeting in which Mr. Pitt appeared in public, in the buſineſs of Parliamentary Reform, and therefore his particular plan could not be known, becauſe your Grace will recollect, that Mr. Pitt's firſt motion, made on the 7th of May, 1782, was for a Committee of the Houſe of Commons; your Grace recollects that?

A. Yes.

Q. Conſequently, at this time, there could be no ſpecific plan, becauſe it was three years before it was brought?

Lord Chief Juſtice Eyre. There is a little too much of argument in this—put it by diſtinct queſtions—Can the Duke of Richmond ſtate, firſt of all, when it was that this converſation paſſed?

A. I cannot ſay exactly the time.

Lord Chief Juſtice Eyre. Can you recollect whether it was before or after there had been any motion in Parliament by Mr. Pitt?

A. I ſpeak by a ſort of gueſs upon it—I rather think it was after.

Lord Chief Juſtice Eyre. But have you any recollection?

A. No.

Mr. Tooke. Perhaps his Grace's recollection may ſerve him thus far—Do you recollect whether the ſpecific Reform propoſed by Mr. Pitt, was after he was Miniſter, or before?

A. After.

Q. Then can your Grace recollect whether you ever attended any Convention, or public meeting, with Mr. Pitt, after he was Miniſter?

A. I believe not.

Mr. Tooke. Conſequently, by your Lordſhip's aſſiſtance, I have fixed the time to be before.

Lord Chief Juſtice Eyre. Does your Grace conclude, from

that circumſtance, that this was before Mr. Pitt had made his motion?

A. Before he had made his laſt motion.

Mr. Tooke. Previous to the firſt motion?

Lord Chief Juſtice Eyre. Was there more than one motion made?

A. I think there were two motions made.

Mr. Tooke. Mr. Pitt made two motions; one in the year 1782, for a Committee of Enquiry, another a ſpecific plan, in the year 1785. I believe in 1785 Mr. Pitt was Miniſter—in 1782 he was in no office whatever. The Duke of Richmond ſays he does not apprehend he attended any meeting after Mr. Pitt was Miniſter; conſequently, a recommendation to the perſons there met, to truſt to Mr. Pitt's diſcretion what plan he would follow, muſt have been for the previous motion—muſt have been for the Committee of Enquiry.

Mr. Attorney General. I will only aſk one ſingle queſtion—Your Grace ſays that this meeting agreed to truſt to Mr. Pitt's diſcretion—was that a diſcretion to be exerciſed in Parliament as a member of that Houſe?

A. Undoubtedly.

The Right Honourable William Pitt, (ſworn)

Examined by *Mr. Tooke.*

Q. I beg Mr. Pitt to ſay whether that is his hand-writing? (*ſhewing Mr. Pitt a letter.*)

A. It is.

Lord Chief Juſtice Eyre. You muſt ſtate what it is.

Mr. Tooke. It relates to the importance of a Parliamentary Reform.

Lord Chief Juſtice Eyre. How is that connected with your caſe?

Mr. Tooke. In the ſame way as the Duke of Richmond's letter, which your Lordſhip admitted, that was introduced as a juſtification to Mr. Hardy, and thoſe perſons who purſued his plan, and I introduce this as a juſtification for myſelf.

Lord Chief Juſtice Eyre. Obſerve, Mr. Hardy introduced the Duke

Duke of Richmond's plan, by ſhewing that they had profeſſed to follow, and had followed it—if you ſhew that you adopted or followed any particular plan, ſupported by Mr. Pitt, then you make that evidence upon the ſame principle—You cannot introduce it in the manner you now propoſe.

Mr. Tooke. Mr. Fox, in his evidence, has proved a meeting at the Thatched Houſe Tavern, where I attended; and he has proved that I ſupported, at that place, the thanks of that meeting to Mr. Pitt, for the motion that he had made.

Lord Chief Juſtice Eyre. And do you ſtate this to be that ſpecific motion?

Mr. Tooke. That ſpecific motion, which, at any time, regulated my conduct.

Lord Chief Juſtice Eyre. If it be the ſpecific motion, Mr. Fox alluded to, you may properly read it.

Mr. Tooke. This is the whole of the plan which I ever purſued; this is recommended by Mr. Pitt; I thought it eſſentially neceſſary to the independence of Parliament, and the liberty of the people: I never was a favourer of any particular plan; the whole of my efforts have been directed to Reform; and, what I am brought here for is, the having been friendly to any ſort of Reform that ſhould alter the preſent ſituation of the repreſentation in the Houſe of Commons, thinking none could be for the worſe; not having been a favourer of any particular plan more than of the plan of this gentleman, which they cannot ſay I followed, becauſe I was in it before he was born; he, in a high ſituation, I followed in his ſteps, having always done as that right honourable gentleman has done; aſſuring the Committee that my exertions ſhould never be wanting in ſupport of a meaſure, which I agreed with them in thinking eſſentially neceſſary to the independence of Parliament, and the liberty of the people.

Lord Chief Juſtice Eyre. I have ſtated, that as to any plan of a particular gentleman upon the ſubject of a Reform of Parliament, or any other ſubject, unleſs you connect, by evidence, your own conduct with it, that plan is not admiſſible evidence.

Mr. Tooke. This is no plan.

Lord Chief Juſtice Eyre. Whatever it be, any ſentiment expreſſed, by a particular gentleman, is nothing, unleſs you adopt it, and make it your own in your evidence. I told you that, in the caſe of Hardy, they offered in evidence that they had acted upon the Duke of Richmond's plan; in order then to ſee what they acted upon, it was neceſſary to look at the Duke's plan; if you can, preparatory to reading this paper, ſhew that you acted upon this paper, or can, in any other way connect your conduct with this paper, then it will be evidence.

Mr. Tooke. I conceive I have proved that, both by the Duke of Richmond and Major Cartwright—I take it, I have proved, that I acted preciſely upon the plan of the right honourable gentleman. I ſay the reaſon why he pledged his exertions, as I have always done mine, is, that it is eſſentially neceſſary to the independence of Parliament, and the liberty of the people.

Lord Chief Juſtice Eyre. If it were your own plan, and Mr. Pitt, or any other gentleman, had adopted your plan, that would not make it evidence; the only way in which it could have been made evidence, was by Mr. Fox's evidence. Now the way in which I thought you had endeavoured to make it evidence was, that there was a meeting, and you propoſed to thank Mr. Pitt for the ſpecific plan he propoſed in the Houſe of Commons; if this is that ſpecific plan, it would be admiſſible.

Mr. Erſkine. Never having ſeen the letter my client holds in his hand, it was, for every reaſon, better he ſhould take this part of the examination upon himſelf; but, I think, it is not attended to by the Court what Mr. Tooke inſiſts upon, and how he conceives he is in a condition to read this letter. If I attended properly to the Duke of Richmond's examination, his Grace proved that there was a meeting there—whether a Convention, or what it was ſignifies nothing—there was a meeting of gentlemen of great diſtinction, undoubtedly, at the Thatched Houſe Tavern; and many of thoſe perſons were very deſirous of adopting the plan his Grace had been the eſpouſer of, namely, Univerſal Repreſentation; that it was propoſed that thoſe perſons ſhould give up inſiſting upon that ſpecific plan of Reform, and ſhould rather truſt it to the diſcretion and integrity of the

right

right honourable gentleman, whoſe name was mentioned, and who is now ſworn as a witneſs. Mr. Horne Tooke (by your Lordſhip's aſſiſtance, ſhewing him the fallacy of the examination, unleſs it came to that point) was to fix the time—whether there was, at that time, any ſpecific propoſition of Reform by Mr. Pitt; and it came out by a concluſion, which amounts to a mathematical demonſtration, that that muſt have been ſo; for the Duke of Richmond ſaid he never had been at any public meeting with Mr. Horne Tooke and Mr. Pitt, ſubſequent to the time when he did make the propoſition.

Lord Chief Juſtice Eyre. I have put a mark againſt the whole of that evidence in my notes—that it amounts to nothing, becauſe Mr. Tooke has not connected any act of his with the Duke of Richmond's examination.

Mr. Erſkine. That is what I am juſt going to do. Your Lordſhip puts a mark upon the evidence, that as yet that connection has not been eſtabliſhed; but your Lordſhip does not put a mark upon it, that his Grace has not ſworn what I am ſtating, namely, that he had never been at a public meeting with Mr. Tooke and Mr. Pitt, ſubſequent to that time; it, conſequently, muſt have been before Mr. Pitt moved any ſpecific reſolution, that what paſſed between Mr. Horne Tooke, and the Duke of Richmond, did paſs.

Lord Chief Juſtice Eyre. The objection is, that nothing paſſed between Mr. Tooke and the Duke of Richmond. The Duke recommended, at that meeting at which Mr. Tooke was preſent, that every man ſhould give up his ſentiments, leaving it to the honour and diſcretion of Mr. Pitt what plan to purſue, in order to obtain a Reform in Parliament, upon which nothing was done by Mr. Tooke, one way or other.

Mr. Erſkine. To which Mr. Tooke aſſented.

Lord Chief Juſtice Eyre. That was not proved.

Mr. Erſkine. I underſtood it was taken for granted that he aſſented to that.

Lord Chief Juſtice Eyre (to the Duke of Richmond). Does your Grace recollect whether, when you propoſed that every perſon ſhould give up his own particular opinion, and be diſ-

poſed

poſed to ſubmit to a partial Reform, propoſed by Mr. Pitt, what part was taken by Mr. Horne Tooke upon that occaſion?

Mr. Tooke. I beg his Grace to ſay whether there was any diſſenting voice—was it agreed to by the meeting?

A. I think ſo.

Mr. Erſkine. I ſubmit to the judgment of the Court, that Mr. Horne Tooke is now in a condition to have this letter read, not knowing what the contents of the letter are, or how they will particularly bear upon the caſe, for the reaſon given, not having heard it, I do not know.

Lord Chief Juſtice Eyre. Who is the letter to?

Mr. Tooke. It is a letter written by Mr. Pitt, upon the ſubject of Parliamentary Reform.

Lord Chief Juſtice Eyre. To whom?

Mr. Tooke. I do not know that; but Mr. Pitt declares it to be his hand-writing, though not ſeized by the Secretary of State. I beg your Lordſhip to conſider that things found in my hand-writing, without addreſs or ſignature, have been read; and this is in Mr. Pitt's hand-writing, a much greater hand than mine.

Lord Chief Juſtice Eyre. That does not make it evidence; he will be to give evidence, of any fact contained in that letter, in his own perſon, uſing his letter only as ſomething to refreſh his memory.

Mr. Tooke. Then I beg to give it him to refreſh his memory.

Lord Chief Juſtice Eyre. If you can connect this letter with the proceeding at the Thatched Houſe Tavern, then, upon the ground we have gone upon before, I can admit the letter to be read, otherwiſe I cannot.

Mr. Erſkine. I conceived it, in my argument, to be a letter to Mr. Tooke.

Mr. Tooke. I beg Mr. Pitt to ſay, if he can recollect, to whom this letter was ſent?

A. I am not able to recollect the name, and the perſon; I can only judge from the contents of the letter, what deſcription of perſon it might have been directed to, probably to ſome perſon

ſon who acted as a Chairman of a Weſtminſter Committee; becauſe I obſerve it is taking notice of my not having been at home when the perſon to whom the letter was addreſſed, and the other gentleman from the Weſtminſter Committee, did me the honour to call.—At this diſtance of time, really I have no recollection who the individual was.

Q. Have you any recollection of meeting me at the Thatched Houſe Tavern, in a Convention of Delegates from different counties?

Mr. Pitt. To what time does that queſtion refer?

Mr. Tooke. The middle of May, 1782, or thereabouts.

A. I recollect meeting a number of perſons at the Thatched Houſe Tavern ſome time ſubſequent to the firſt motion which I made in the Houſe of Commons in relation to Parliamentary Reform, and which muſt, I think, have been about the middle of the month of May, 1782.

Q. Do you recollect, what his Grace the Duke of Richmond recollects, that a propoſal was made—I ſhould firſt ſay, that it was of little conſequence that you ſhould have met me there—but do you recollect meeting Lord Saint John there, or Mr. Saint John?

A. I think Mr. Saint John was preſent, but I am not certain.

Q. That, perhaps, may bring to your recollection that I was preſent—it is not worth while to attempt that—but by mentioning ſome converſation that paſſed at the time that made you laugh, I might poſſibly call it to your memory?

A. I cannot ſay who was preſent, but I ſhould rather ſtate from recollection that Mr. Horne Tooke was preſent.

Q. Do you recollect, at that meeting, recommending to thoſe who were there met, and to me if I was there among them, to endeavour to obtain in the courſe of the ſummer the ſenſe of the people throughout England, in their different pariſhes, or ſmaller diſtricts, in order to be a foundation for future application to Parliament with effect?

A. I have no particular recollection of recommending ſuch a meaſure; but my general recollection is, that it was the ſenſe of that meeting that means ſhould be taken during the ſummer to recommend petitions to Parliament, in the next ſeſſion, with a view to a Reform.

Mr. Tooke. I ſuppoſe I may now have that letter read?

Lord Chief Juſtice Eyre. No, you are not at all forwarded for reading that letter.

Mr. Tooke. Then I hope I may have it back again.

Lord Chief Juſtice Eyre. Certainly.

Mr. Tooke. I did intend to have aſked the right honourable gentleman many other queſtions, but certainly the laugh of the Court prevents me from being ſerious; therefore, I will aſk him no more.

The Right Honourable William Pitt,

Croſs-examined by *Mr. Attorney General.*

Q. Was there any thing paſſed at that meeting about uſing meaſures to bring about a Convention of the people by Delegates from affiliated Societies?

Mr. Pitt. Two meetings have been ſpoken of in the courſe of the examination I have heard; I wiſh to know, for preciſion, which meeting the queſtion refers to?

Q. To the meeting in May, 1782.

Mr. Pitt. The meeting ſubſequent to the motion made in Parliament?

Mr. Attorney General. I do not know that.—You ſtated that Mr. Tooke was preſent at a meeting ſome time in May, 1782; was there any purpoſe in that meeting to bring about a Convention of the people by Delegates from affiliated Societies?

A. There certainly was never any ſuch idea ſtated by any man in my preſence.

Mr. Tooke. Were we not a Convention—inſtead of meeting for the purpoſe of bringing about a Convention. What was that meeting but a Convention of Delegates from different towns and counties throughout England.—Was it, or was it

not,

not, a Meeting or Convention of Delegates, appointed by the different Committees of different counties and great towns in England?

A. I have not an exact recollection at this time how that meeting was compoſed, but I did not conſider it as a meeting of perſons who were authoriſed to act for any but for themſelves.

Mr. Tooke. Then I will not trouble you with any other queſtions, becauſe this queſtion I ſhall have anſwered by many other perſons, and it is not fit I ſhould vex your recollection.—I will aſk merely one queſtion—I am ſorry to trouble you with it—Perhaps, ſir, you may be able to recollect that the petition was objected to in the Houſe of Commons upon that very ground, that it came from perſons in a delegated capacity?

A. No petition came from the meeting to which I allude.

Q. But that meeting was the ground, cauſe, and beginning of thoſe petitions which afterwards followed?

Lord Chief Juſtice Eyre. I underſtand your queſtion to be, whether any petitions to Parliament were objected to in Parliament as coming from delegated perſons?

Mr. Pitt. I have no recollection in my mind of any petitions ſubſequent to that meeting that were objected to upon the ground ſtated; at this diſtance of time I cannot pretend to ſpeak poſitively to that circumſtance.

Mr. Tooke. Your Lordſhip will ſee that I avoid aſking theſe queſtions from the right honourable gentleman, not thinking it fair that he ſhould be called upon at this diſtance of time for a recollection of ſuch minute particulars as theſe, though I am.

Lord Chief Juſtice Eyre. And if you can prove it by other evidence it certainly will be regular to do it.

Mr. Attorney General. Whether the perſons who compoſed that meeting attended as Delegates of the people; whether they were to act for themſelves, or merely for the perſons who ſent them?

Lord Chief Juſtice Eyre. That queſtion was anſwered.

Mr. Pitt. I underſtood thoſe perſons as expreſſing their own ſenſe, not binding others.

Lord

Lord Chief Juſtice Eyre. Nor deputed by others?

A. I do not know but that ſome of thoſe individuals might have been deputed for the purpoſe of promoting the object of an application to Parliament; I cannot ſtate exactly how that meeting was compoſed.

Richard Brinſley Sheridan, Eſq. (ſworn)

Examined by *Mr. Erſkine.*

Q. Do you know Mr. Horne Tooke?

A. Yes.

Q. Have you ever ſeen him at any meeting held for the purpoſe of Parliamentary Reform?

A. I have met him, certainly, at ſeveral meetings held for the purpoſe of Parliamentary Reform.

Q. Be ſo good as ſtate to the Court what thoſe meetings were, or any one of thoſe meetings?

A. I met him in different Aſſociations, I think in the year 1780; and I rather think—but really I am not quite certain—in a Convention or Meeting to which different Delegates from various parts of the Kingdom were ſent, who were deputed to conſider of the beſt means of promoting the object of Parliamentary Reform.—Delegates from counties, towns, and different parts, to promote the object of Parliamentary Reform, and to act for thoſe who deputed them.

Q. Perhaps you know this buſineſs more fully than it has been hitherto ſtated, from having been yourſelf a Delegate from ſome diſtrict?

A. I was a Delegate for Weſtminſter, with, I think, five or ſix other gentlemen.

Q. What was the nature of your deputation?

A. The purpoſe of our appointment was, to act in concert with the other Deputies or Delegates; to correſpond with other Societies, aſſociated to promote the object of Parliamentary Reform; and, certainly, by all legal and conſtitutional means, to intereſt and engage the public mind in that object, with an expectation, certainly, that the influence of public opinion would ſo far operate upon the Houſe of Commons as that we might

might ultimately gain our object; without which influence or interposition on the part of the people, we certainly had no hopes from the House of Commons.

Q. Did the inhabitants of Westminster, such as were friendly to Reform, leave it to the discretion of their Delegates how that object should be best accomplished in a legal and constitutional mode?

A. In my opinion they confided the means to them entirely.

Q. Was it not a thing as notorious as that I am now speaking to you, that these Delegates did act for other Societies, and not merely for themselves?

A. I think we never signed any resolutions, or put forth any paper, in which we did not state ourselves to be Delegates acting for other people.

Q. Do you think it is possible that a man could belong to that Society, without seeing that those people with whom he associated were persons of that character and description, such an Association as you are describing, composed of various persons, in delegated characters, and signing their names as Delegates, without knowing that they were acting for others?

A. Certainly no person could belong to that sort of Society or Convention that I am speaking of without knowing it, because he could not have attended it without being himself appointed by some other body of people.

Q. You say you have occasionally seen Mr. Horne Tooke at these meetings, which had for their object, by the extending the influence of the public opinion, to interest and engage the public mind, and thereby procure Parliament to do it; did Mr. Horne Tooke dissent from or assent to the propositions that were made at these meetings?

A. I do not recollect any instance of Mr. Horne Tooke's dissenting from the general plan for which we were associated.

Q. Did Mr. Tooke come there as a critic upon your proceedings, or to assist and aid in the accomplishment of your object?

A. I conceive Mr. Tooke came with the same purpose and object which we all did.

Lord

Lord Chief Juſtice Eyre. Was he a Delegate?

A. I do not exactly recollect; I imagine at ſome of thoſe meetings Mr. Tooke muſt have been a Delegate.

Mr. Attorney General. What number might there be of Delegates?

A. At one time a very conſiderable number, from a great number of the moſt populous and reſpectable counties and towns, Yorkſhire, York, Devonſhire, and a number of members of Parliament were there.

Mr. Erſkine. Were you delegated to draw up a petition, to conſider the language in which a petition ſhould be drawn up, or delegated generally to conſider how, by legal and conſtitutional means, Reform ſhould be obtained?

A. Certainly we conſidered ourſelves as delegated generally to purſue the beſt and the ſtrongeſt legal means to obtain our object.

Q. Was the act of petitioning, the time when, the mode, and to whom the petition ſhould be addreſſed, left to the Delegates?

A. Certainly we were very much of opinion that petitions (except for the form of the thing, and the appearance of it,) till they came generally from the whole body of the people to the Houſe of Commons were perfectly frivolous and uſeleſs.

Q. You were of that opinion, with the Duke of Richmond

A. I was of that opinion with the Duke of Richmond, certainly.

Q. I underſtand you aſſociated yourſelves together as Delegates in order to collect the public ſentiment upon that head?

A. Undoubtedly; and expecting that, at leaſt, we ſhould have Delegates or Deputies meet in a much larger Meeting or Convention from all parts of the Kingdom.

Q. Now, by collecting the public opinion ſo as to make it operate upon the Houſe of Commons, was it ever intended that it ſhould operate upon the Houſe of Commons by violence and force, and rebellion?

A. Certainly not by any thing like violence or force; but we certainly did expect to create a degree of awe in the Houſe

of Commons of us and our proceedings—Not a wrong or improper awe, but that ſort of awe and reſpect which we conceived the Houſe of Commons were bound to pay, and muſt pay, to the juſt ſentiments of the people at large, when collected and expreſſed.

Q. As every thing muſt have a beginning and a progreſs, this was to go on progreſſively from ſmall numbers to greater numbers, and from thence to greater, until you could ſurround Parliament with the voice of the people?

A. Certainly that was our purpoſe and hope.

Richard Brinſley Sheridan, Eſq.

Examined by *Mr. Tooke.*

Q. Do you recollect the 14th of July, 1790, the firſt meeting which was called as an anniverſary of the French Revolution.—Do you recollect meeting on that day?

A. I recollect perfectly attending an anniverſary dinner at the Crown and Anchor, to celebrate either the taking the Baſtille or the acceptance of the Conſtitution; in ſhort, to celebrate the eſtabliſhment of the Revolution in France.

Q. Do you recollect who took the chair?

A. Lord Stanhope.

Q. Do you recollect, at that meeting, Lord Stanhope being in the chair, that you made a motion in theſe words, or to this effect—"That this meeting does moſt cordially rejoice in the "eſtabliſhment and confirmation of liberty in France; and that "it beholds with peculiar ſatisfaction the ſentiments of amity "and good-will which appear to pervade the people of that "Country towards this Kingdom, eſpecially at a time when it "is the manifeſt intereſt of both ſtates that nothing ſhould in-"terrupt the harmony that at preſent ſubſiſts between them, and "which is ſo eſſential for the freedom and happineſs not only "of both nations but of all mankind?"

A. I recollect moving the reſolution myſelf; and I imagine (I cannot be poſitive, having no copy of it, and not having that circumſtance much called to my recollection, till I heard it men-

mentioned by Mr. Erſkine) but I conceive that is, word for word, the reſolution that I wrote and moved.

Q. Do you recollect that I, being then and there preſent, made no objection to the motion, but expreſſed a ſtrong deſire that ſome qualifying expreſſion might be added unto this general motion of approbation of the French Revolution—Did I expreſs my full approbation of that motion; and did I, or did I not, at that time, mention the danger of miſinterpretation or miſapprehenſion of others who were not friendly to the liberty of France?

A. I ſhould ſtate that that which was moved by me, was not haſtily drawn up at the time, but I went there with a great body of reſpectable gentlemen, moſtly belonging to the Whig Club, upon an invitation from the Stewards the day before, and upon full conſideration with reſpect to the propriety of attending this meeting, at which Lord Stanhope was advertiſed to be in the chair, I ſtated that ſome intemperate reſolution might be moved in which I did not chooſe to be implicated; and, therefore, it was propoſed that we ſhould draw up a reſolution, this was done by me, and the reſolution, juſt read, was then drawn up, it was moved by me ſoon after dinner, I think upon my health being drank, and received with very great approbation.

Lord Chief Juſtice Eyre. The point is, how Mr. Horne Tooke conducted himſelf?

A. I remember perfectly the circumſtance that Mr. Horne Tooke did not directly object to the reſolution, but juſt as it was going to be put he roſe, I think he firſt of all propoſed an amendment to it. I remember very diſtinctly his ſtating that an unqualified approbation of the French Revolution, in the terms in which I had moved it, might produce an ill effect out of doors; that it might induce a diſpoſition to revolution in this Country, or if it did not produce that effect, at leaſt, it was capable of being miſrepreſented ſo as to be ſtated to have that object and intention.—I think, I recollect perfectly Mr. Tooke's adverting in his ſpeech to the circumſtance of all the gentlemen at the meeting, having national cockades in their hats, which we all had—

had—he argued the neceſſity of qualifying our approbation of the French Revolution, and the eſtabliſhment of liberty in France, with a declaration of our attachment to the principles of our own Conſtitution. I remember, perfectly, his ſpeaking in a figurative manner, and deſcribing the former government of France, as a veſſel ſo foul and decayed, that repair merely could not ſave it from deſtruction—I cannot be poſitive to the words, I am poſitive to the purport of thoſe words, I am going to ſtate now—I am quite poſitive to the very terms, that in contraſting our ſtate, he ſaid, thank God, the main timbers of our Conſtitution are ſound, having before obſerved that ſome reforms were eſſentially neceſſary; I remember the converſation, or debate, the more accurately from the circumſtance of thoſe ſentiments of Mr. Horne Tooke having been received by ſome violent people, or by people who miſtook his intention, with great diſapprobation, and with very rude interruption, inaſmuch that, I believe, Lord Stanhope, the chairman, interfered to preſerve order.

Mr. Attorney General. That it might produce a revolution did you ſay?

Lord Chief Juſtice Eyre. A diſpoſition to revolution.

Mr. Tooke. Is that the only time in which you remember me, in different meetings, to have been received with great diſapprobation, or have you frequently, or more than once known me to be received by very large companies, with very great diſapprobation?

A. In very many public meetings I have had the misfortune to differ with, and to oppoſe Mr. Tooke—I have frequently ſeen him received with very conſiderable marks of diſapprobation, but I never ſaw them much affect him.

Mr. Tooke. My queſtion, upon that head, was to ſhew that I was likely to have very troubleſome ſubjects, after I had depoſed our Lord the King, for I was conſtantly received with very great diſapprobation.

Do you recollect, whether theſe words, or the ſubſtance, was the motion which I made at this meeting, after the other motion had been carried: "We feel equal ſatisfaction that the ſubjects

" of England, by the virtuous exertions of their anceſtors, have " not ſo arduous a taſk to perform, as the French have had; " but have only to maintain and improve the Conſtitution, " which their anceſtors have tranſmitted to them." ?

A. I recollect Mr. Tooke propoſed either preciſely thoſe words, or words to that effect, as an amendment. I oppoſed the amendment on the ground generally, that we met there, as the advertiſement had publiſhed, to give our opinion, and expreſs our approbation of the eſtabliſhment of liberty in France, and the deſtruction of the old deſpotic government, which we conceived to have been the conſtant enemy of this Country, therefore, I objected to any amendment being grafted upon that, becauſe there might be perſons in the company who might not agree, that there was any Reform neceſſary in this Country, and it was introducing debateable matter, which might diſturb the harmony of the company.—I think Mr. Tooke withdrew the amendment afterwards, and moved it as a diſtinct propoſition, and having overcome the oppoſition and tumult by coolneſs and perſeverance, it was afterwards adopted as unanimouſly as my reſolution had been before.

Mr. Tooke. Mr. Sheridan ſtated, that his motion was not a ſudden one, but well deliberated upon before for the purpoſe of moderation. I beg the Attorney General will obſerve, that I moderated the moderater.

Richard Brinſley Sheridan, Eſq.

Croſs-examined by *Mr. Solicitor General.*

Q. You ſtated, I think, that it was in the year 1790, when this meeting was held to celebrate the French Revolution?

A. In the year 1790.

Q. Do you recollect at what time of the year it was?

A. In the ſummer, I think.

Q. The 14th of July?

A. Yes.

Q. Do you recollect what name, what title, the people there aſſumed?

A. I do

A. I do not, I ſhould think the title was ſimply—" Friends to " the eſtabliſhment of the liberty of France."

Q. Is it—" The friends of liberty in London, aſſembled the " 14th of July, 1790, to celebrate the French Revolution."?

A. It might be.

Q. As the friends of liberty you met in London to celebrate the French Revolution?

A. Yes.

Q. Do you recollect a meeting of the ſame ſort in 1791?

A. I recollect there was a ſimilar meeting called.

Q. Were you preſent at that ſecond meeting?

A. I was not preſent, but I was not abſent from any alteration in my opinion.

Q. You do not know what paſſed at that meeting, on the 14th of July, 1791?

A. I know what paſſed at a meeting I was preſent at, not at a meeting I was not preſent at.

Q. You ſaid, I think, that Mr. Tooke's propoſition to qualify the addreſs you propoſed, and that what he ſaid upon the ſubject was received, by ſome violent people, with great diſapprobation?

A. I imagine it muſt be from ſome violent people.

Q. What was the nature of the diſapprobation, ſignified?

A. A great deal of hiſſing, and interruption, every mark of diſapprobation, which is common in public meetings of that ſort.

Q. A diſapprobation of the amendment that was propoſed, or of any thing that was ſaid by Mr. Tooke?

A. Certainly, the diſapprobation proceeded from perſons who appeared to differ from Mr. Tooke, and to condemn the moderation of his principles.

Q. You ſpoke of a meeting of perſons in the year 1780, who were deſcribed as delegates—Do you recollect at what time of the year that meeting was?

A. I think it muſt have been in the year 1780, but I cannot be poſitive.

Q. Were there more than one ſuch meeting?

A. First of all there was the Weſtminſter Aſſociation, a committee appointed by the Weſtminſter Aſſociation—then there was a meeting called the Quintuple Alliance, a general meeting, which had for its more immediate object the promoting a plan of economical Reform, but which avowedly aimed and pointed at a plan of Parliamentary Reform—in that meeting we ſat for a conſiderable time in Guildhall, in the city of London, by permiſſion of the Lord Mayor, and Court of Aldermen, attended by their officers.

Q. You ſaid that the Delegates, at this meeting, were perſons who profeſſed to act for thoſe who deputed them—did they propoſe to act for any perſons who did not depute them?

A. Certainly not.

Q. In the name, or on behalf of any perſons who did not depute them?

A. I ſhould have thought that a very abſurd and extraordinary propoſition, and having no recollection of any ſuch, I ſuppoſe nobody abſurd enough to propoſe any ſuch thing.

Q. Then thoſe that were in the character of Delegates, you underſtood, profeſſed to act for, and in the name of thoſe by whom they were deputed as Delegates?

A. Certainly.

Q. Were there any perſons who attended thoſe meetings, that were not in the character of Delegates?

A. I remember at a meeting at the King's Arms, in Weſtminſter, a number of perſons attending, who, I ſhould conceive, were not Delegates; I am not confident, but I remember our examining the Duke of Portland, with reſpect to words ſpoken by Lord Hawkeſbury in the Houſe of Lords, throwing the imputation of faction and ſedition upon theſe Conventions and Delegations.—I ſhould ſuppoſe the Duke of Portland was introduced for the purpoſe of giving this information, as to the words to which we examined him, but that he was not a Delegate.

Q. Whether you were in Parliament in the year 1780?

A. I was not in Parliament; but my having been in Parliament

ment certainly has not altered my conviction of the neceſſity of a Reform.—I came into Parliament in 1780, but I was not when I firſt belonged to thoſe Aſſociations.

Q. Were you at any meeting of the ſame ſort, in the year 1782?

A. If there were any meetings of the ſame ſort, I am poſitive I muſt have attended them, for I never have altered my principles, nor avoided any opportunity of promoting the object I then profeſſed to ſupport.

Q. You do not recollect being preſent at any meeting in 1782?

A. I do not exactly recollect the time.

Richard Brinſley Sheridan, Eſq.

Re-examined by *Mr. Tooke.*

Mr. Tooke. It is neceſſary for me to ſet right what appears to be imagined by the learned Counſel, by ſome queſtion that he aſked—Was that anniverſary meeting on the French Revolution, before or after the Weſtminſter election, in the year 1790?

A. I think that muſt have been after the election.

Q. You ſaid a great number of the Whig Club agreed to attend—were there many of that Club attending that meeting?

A. A great number.

Q. Do you ſuppoſe that the particular perſonal violence againſt me, might not ariſe from the gentlemen of the Whig Club, who had unanimouſly been ſupporting Mr. Fox, in oppoſition to me, at that Weſtminſter election?

A. There certainly was, in the party I was in, no cordial good-will towards Mr. Tooke.

Mr. Tooke. The oppoſition was perſonal, and not to the motion; for afterwards, when they came to hear the moderate language I held, they unanimouſly adopted my motion.

Lord Chief Juſtice Eyre. When does Mr. Sheridan underſtand the firſt meeting of Delegates to have been held, and where?

A. There was a meeting of the Delegates held, I think, in an auction-room, ſomewhere near King-ſtreet; but as to the time I cannot be poſitive; I rather think I did not attend; I was either unwell, or ſomething prevented me—I remember Mr. Thomas Grenville was a Delegate for the city of Weſtminſter.

Lord Chief Juſtice Eyre. Do you happen to know how many met, and for how many places they were delegated?

A. I am ſorry I have not refreſhed my memory upon that ſubject, but the proceedings are all collected and printed.

Lord Chief Juſtice Eyre. Do you recollect where the next meeting was?

A. I really do not; I rather think the next was in Guildhall.

Lord Chief Juſtice Eyre. Was that a meeting of the ſame Delegates from the ſame places, or was it a meeting of other perſons?

A. I am pretty ſure of other perſons.

Lord Chief Juſtice Eyre. Of perſons that were known by the name of the Quintuple Alliance?

A. Certainly not—I am pretty poſitive not—I am ſure not.

Lord Chief Juſtice Eyre. Do you think it was a meeting of other Delegates?

A. I knew very few of the gentlemen; they were gentlemen from different parts of England, who produced their powers?

Lord Chief Juſtice Eyre. What was the next meeting you recollect?

A. I do not know whether the meetings were very formally ſeparated, or grew thin, and fell off without any formal breaking up.

Lord Chief Juſtice Eyre. Do you recollect any meeting of Delegates at any other places?

A. I forget the nature of the meeting at the Thatched Houſe; nor am I ſure that I was at it; I rather think I was not: I do not think that could be called a meeting of Delegates, though there were certainly perſons there that were not members of Parliament. At the Duke of Richmond's houſe, in Privy Gardens,

dens, I remember propoſing that Mr. Pitt ſhould be requeſted to move a Reform of Parliament in the Houſe of Commons.

Lord Chief Juſtice Eyre. That is all that you recollect particularly of the meetings?

A. Yes.

Mr. Attorney General. My learned friend is calling one witneſs to contradict another.

Mr. Erſkine. I am not calling one witneſs to contradict another.

Lord Chief Juſtice Eyre. There was ſome queſtion that tended that way undoubtedly.

Mr. Pitt. I underſtood I was aſked only to the meeting at the Thatched Houſe; I alſo recollect being preſent at a meeting of the Duke of Richmond's.

Lord Chief Juſtice Eyre. I underſtood you to give no account of the meeting at the Duke of Richmond's?

Mr. Pitt. That being mentioned, I wiſh not to correct my evidence; for I have nothing to correct in it, but to add, that there was a meeting previous to my making the motion for a Parliamentary Reform, not at the Thatched Houſe, but at the Duke of Richmond's; and at which were preſent a conſiderable number, I believe, of members of Parliament, and ſome perſons who were not members of Parliament, and who, I conceive, had been delegated from different county meetings, and ſeveral cities and towns.

The Right Honourable Earl Stanhope, (ſworn)

Examined by *Mr. Erſkine.*

Q. Your Lordſhip was in the chair at the meeting mentioned by Mr. Sheridan?

A. I perfectly recollect having been in the chair at a public meeting, held on the 14th day of July, in the year 1790, one year after the Baſtille had been pulled down, and we met to celebrate that glorious event.

Q. What number of perſons attended that meeting, and of what deſcriptions?

A. Some hundreds of a very reſpectable deſcription.

Q. Does your Lordſhip remember the gentleman at the bar being preſent?

A. Moſt perfectly. Mr. Sheridan was there.

Q. Does your Lordſhip remember the motion made by Mr. Sheridan—the reſolution propoſed by him?

A. To the beſt of my recollection the health of Mr. Sheridan was drank; ſomething of that ſort introduced it; and he made his motion, which was, as far as I could hear, as it was read to this Court this day.

Q. Does your Lordſhip remember what Mr. Tooke ſaid previous to his moving that reſolution, which was alſo read?

A. Mr. Sheridan had, if I recollect, thanked them, and expreſſed his pleaſure, when they drank his health, of the approbation———

Lord Chief Juſtice Eyre. Your Lordſhip is aſked reſpecting Mr. Tooke.

A. Mr. Tooke having ſpoken reſpecting the approbation of Mr. Sheridan, and the pleaſure he had in the approbation of the gentlemen preſent, and the public, he ſaid ſomething to this effect: that he had been in the habit of flattering women, but he did not like to flatter men. He was hiſſed for this, and, I believe, he was the more hiſſed, becauſe it was a little after the Weſtminſter election. After that Mr. Tooke went on, and he did not ſpeak ſo reſpectfully of the reſolution moved by Mr. Sheridan, though he did not oppoſe it, as, I confeſs, I wiſhed: but he ſtated the danger of its being miſunderſtood, and miſconceived by the public, and adviſed ſomething to be added; I think he propoſed it as an amendment, but ſomething to be added about our own Conſtitution; he ſaid ſomething about ſhip's timbers; and, I think, I recollect an expreſſion that was uſed, which was, that all our timbers were ſound: he was very much hiſſed and hooted, indeed, for it; as far as I could recollect they conceived he was talking about venal boroughs; but I, who knew that he was a friend to a Reform of Parliament, did not underſtand him in that ſenſe; I underſtood him to mean the main timbers of the Conſtitution; at the ſame time I did not much like the expreſſion, becauſe it was liable to be ſo miſunderſtood. It was with ſome difficulty

difficulty that I could procure Mr. Tooke a hearing, for they ſeemed very angry at him; and I do not know whether I could have procured him a very patient hearing, if I had not done ſomething to this effect; I expoſtulated with them on the propriety of hearing him; I do not remember my words, but I ſaid to this effect, that they might hear him firſt, and hiſs him afterwards; and they did hear him. I think there was ſome little debate about Mr. Tooke's motion; and, at laſt—not wiſhing to mix a ſober approbation of that event in France, which we expreſſed by the reſolution we hoped would produce peace between the two countries, with any thing relative to our home politics—the propoſal of Mr. Tooke was made as a ſeparate motion; and the ſubſtance of that ſeparate motion was, to the beſt of my memory and recollection, that we did not want a revolution in this Country, but an amendment, in ſome reſpects; and the reſolution was, as far as I can recollect, as ſtated this day.

Q. At that time, from the date, the company all knew that the Conſtitution of 1789 was eſtabliſhed in France?

A. There had been, properly ſpeaking, the Conſtitution of 1789; I cannot ſpeak to what paſſed in France of my own knowledge; but there were two Conſtitutions, according to my memory, one that was finiſhed ſometime, I believe, in the year 1789, and then that ſame was perfected, and was not finiſhed till 1791. It was technically commonly then called the French Conſtitution of 1789, 1790, and 1791.

Q. Has your Lordſhip any reaſon to believe, that the diſapprobation, ſignified by part of the company, to Mr. Tooke, before they knew what he was about to propoſe, aroſe from a diſpoſition in that company, as far as it was ſignified by them, to introduce any thing like diſorder or anarchy in this Country?

A. As it appeared to me there were a number of gentlemen that, without any diſreſpect to them, you might technically call Foxites; Mr. Tooke, it is well known, ſtood againſt Mr. Fox for Weſtminſter, and Mr. Tooke not being very civil to Mr. Sheridan, they hiſſed him.

Q. Had you any reaſon to believe, from knowing the character

and complexion of the perſons preſent, that there were among them any perſons who wiſhed to ſubvert and deſtroy the Government of this Country?

A. I am perfectly perſuaded, by the demeanour and conduct of the gentlemen there, and as far as I knew of them, that they had no ſuch intention.

Q. Your Lordſhip at leaſt knows your own intention?

A. Moſt certainly.

Q. When did you ceaſe to be a member of the Houſe of Commons; I forget when you became Earl Stanhope?

A. I was in the Houſe of Lords at the time of this meeting.

Q. But, in 1782, you were Lord Mahon, if I recollect right?

A. Yes, and I was in 1785.

Q. Was your Lordſhip a member of the Houſe of Commons, during the life of your father?

A. During the latter part of his life; I came into Parliament, I think, at the General Election, in the end of the year 1780.

Q. Does your Lordſhip remember attending any, and what meetings, upon the ſubject of Parliamentary Reform?

A. O I attended a great many of them.

Q. Be ſo good as deſcribe thoſe meetings at which you ſaw Mr. Horne Tooke—what were the nature and deſcription of thoſe meetings?

Lord Chief Juſtice Eyre. Firſt of all, did you ſee Mr. Horne Tooke at any of theſe meetings?

A. I am perfectly certain I did; I was at the meeting that was held at the Duke of Richmond's houſe.

Lord Chief Juſtice Eyre. Was Mr. Horne Tooke there?

A. I believe he was, but I cannot be certain—I was there.

Mr. Attorney General. That is nothing at all to the purpoſe; your Lordſhip ought to know the rules of evidence better—be ſo good as inform us of any thing that paſſed at the meetings where Mr. Horne Tooke was.

A. I have ſome recollection of it—but I cannot be certain whether he was there or not.

Mr. Erſkine. Be ſo good as go to any meeting held, at which you ſaw Mr. Tooke?

A. I am pretty clear that Mr. Horne Tooke was at the meeting that was held at the Thatched Houſe Tavern, in the year 1782; it was a ſhort time after Mr. Pitt's firſt motion, for Mr. Pitt made three motions—Mr. Pitt's firſt motion for Parliamentary Reform had been negatived by the Houſe of Commons, where it was moved—the firſt motion of Mr. Pitt was a kind of general motion to go into a Committee—his ſecond was more particular; and his third motion, which was in 1785, I think was to advance a million ſterling, for the purpoſe of buying up boroughs; and it was after Mr. Pitt's firſt motion was rejected, that this meeting was at the Thatched Houſe; and Mr. Pitt was there, Mr. Wyvill was there, the Duke of Richmond was there, and I dare ſay I could recollect others.

Q. If I underſtand you right, at the time of the meeting your Lordſhip is now about to ſpeak to, Mr. Pitt had made no ſpecific propoſition, but only that general propoſition you referred to?

A. The motion that he made will beſt appear by the Journals of the Houſe of Commons.

Q. To be ſure it will, but we do not go to that preciſion—be ſo good as ſtate what paſſed at the meeting which you now advert to, at which Mr. Horne Tooke was preſent—I underſtand that it is not yet ſettled, my Lord, whether your Lordſhip has ſworn that Mr. Tooke attended at the meeting at the Thatched Houſe Tavern?

A. I remember perfectly his attending; I am poſitive of it in 1785, at the meeting at the Thatched Houſe Tavern, but I am not equally ſure that he did ſo attend in the year 1782.

Q. Do you believe he did?

A. I believe he did.

Lord Chief Juſtice Eyre. The Duke of Richmond ſaid Mr. Tooke was there at that meeting.

A. I believe the fact to be ſo, but I cannot charge my memory with it poſitively; but I am ſure the Duke was there, and I am ſure Mr. Pitt was there, and I am ſure Mr. Wyvill was there.

Mr.

Mr. Erſkine. And I am ſure the Duke of Richmond has ſworn Mr. Tooke was there. Be ſo good as tell us what was done at that meeting, and what part did Mr. Horne Tooke take in the buſineſs of that meeting?

A. I cannot charge my memory with the part he took, becauſe I am not poſitive that he was there; but I verily think ſo—but, as to the general buſineſs of the meeting, to the beſt of my recollection it was a motion that, I believe, will be beſt found in Mr. Wyvill's collection—a general motion in favour of a Reform. I do not know whether there were not thanks to Mr. Pitt, or ſomething to that effect; and there was a recommendation to the people, in the ſecond reſolution, to meet during the ſummer, for the purpoſe of enforcing, I underſtood, but I forget the words; but that is the purport—by legal means a Parliamentary Reform—in ſhort, to encourage the people to ſupport it by petitions, and ſo forth.

Q. Does your Lordſhip recollect being preſent at the meeting in 1785?

A. I very perfectly recollect I was there, and I am ſure Mr. Tooke and Lord Surrey were; the preſent Duke of Norfolk was in the chair; Mr. Wyvill, Mr. Fox, Mr. John Jebb, and the late Alderman Townſend were there; and I think Alderman Sawbridge and Mr. Wilberforce were there.

Q. What was this meeting; how conſtituted?

A. The perſon that cauſed it to be brought together was Mr. Wyvill; Mr. Wyvill was a warm friend of Mr. Pitt's laſt plan for a Parliamentary Reform, which was rejected in the year 1785; I mean that which propoſed the million to be given to buy the boroughs. Mr. Wyvill had written an account of Mr. Pitt's plan, which he ſhewed to me—I had ſuggeſted ſome trifling alterations, which he, I underſtand, ſhewed to Mr. Pitt himſelf, and that thing, ſo prepared by Mr. Wyvill, was read at that meeting.

Q. Where Mr. Tooke was preſent?

A. Yes, it was an exact copy of Mr. Pitt's laſt plan, which has been printed; and Mr. Wyvill, to the beſt of my memory, moved a ſpecific approbation of that plan of Mr. Pitt's; that it would

would be a great improvement in the conſtitution; ſome perſons objected to it; among others I recollect, very well, that Mr. Charles Fox objected to it: Mr. Tooke was for it, and Mr. Tooke debated it with Mr. Fox.

Q. Does your Lordſhip recollect how that meeting was inſtituted; did you each come in your own perſons, for yourſelves, or repreſent any other bodies of men, and what?

A. I have been at meetings of Delegates, in the years 1780 and 1781, a Convention of Delegates; but, at this meeting that I am now ſpeaking of, we attended in our individual capacity.

Q. Can you take upon yourſelf to ſay, diſtinctly, that Mr. Tooke did, unequivocally, aſſent to the diſtinct propoſition ſo made by Mr. Pitt himſelf, which was rejected in the Houſe of Commons?

A. The motion made by Mr. Wyvill was an approbation of Mr. Pitt's plan ſpecifically, after the plan had been read from this paper—it was upon the holding up of hands, aye or no, upon that motion, that Mr. Tooke was for it, and debated for it.

Q. Have you ever had an opportunity of ſeeing Mr. Tooke at other times, independent of theſe public meetings that you are ſpeaking of?

A. Yes, I have ſeen him at the public readings at Liſle-ſtreet, by Teſſier.

Q. Have you ever ſeen him at any other public meetings, or in private life?

A. No, I have never been in habits of intimacy with Mr. Tooke, in private life; and, as to other public meetings, I have ſeen ſo many people, and been at ſo many meetings, that I cannot preciſely ſay.

Q. Do you know whether Mr. Tooke has been at any of thoſe meetings your Lordſhip adverts to, where there were Delegates in the year 1780?

A. I cannot be poſitive, 1780 and 1781 are two meetings.

The

The Right Honourable Earl Stanhope.

Croſs-examined by *Mr. Attorney General.*

Q. I beg to aſk your Lordſhip only one queſtion; all the tranſactions you have ſpoken of happened in or before the year 1785?

A. In or before the year 1785, except one—that in the year 1790, you know, was not before the year 1785.

Q. Of courſe you know nothing that has happened ſince the year 1790?

A. I have not been aſked that.

Q. Then now you are aſked, is there any thing you are to ſtate relative to the queſtions that have been put to you by Mr. Erſkine, ſubſequent to the year 1790?

A. I do not underſtand the queſtion. I was aſked as to meetings in 1790, 1782, and 1785—I really do not underſtand the queſtion.

Q. I happened to be out of Court when you were examined; will you allow me to aſk a queſtion of fact; has your Lordſhip, as yet, depoſed to any fact ſince the year 1790?

A. I do not remember that I was aſked to any thing ſince the year 1790.

Mr. Attorney General, Then I do not aſk you any queſtion.

Mr. Erſkine. I underſtood your Lordſhip to ſay, that, ſubſequent to the year 1790, you have never ſeen Mr. Tooke at any meetings at all?

Lord Chief Juſtice Eyre. He was not aſked that queſtion.

A. I cannot ſay that I have ſeen Mr. Tooke at any public meetings ſince.

Q. Or in private?

A. No, I have never been in private habits with Mr. Tooke.

The Reverend Chriſtopher Wyvill (ſworn.)

Examined by *Mr. Erſkine.*

Q. You have heard my Lord Stanhope examined juſt now; do you recollect the meeting which his Lordſhip alludes to, in the year 1785?

A. Per-

A. Perfectly.

Q. By whom was that meeting called, and for what purpoſe?

A. It was called chiefly at my deſire.

Q. For what purpoſe?

A. With a view to obtain a reſolution, by that meeting, expreſſing an approbation of the plan which had lately been propoſed by Mr. Pitt to Parliament; and rejected there, in hopes that that might unite the friends of Parliamentary Reform throughout the kingdom.

Q. What did you expect from an union of the friends of Parliamentary Reform throughout the kingdom, if you accompliſhed it?

A. That they would apply again to Parliament, and ſupport the motion Mr. Pitt had made.

Q. What did you expect from their ſo uniting and ſupporting it, when it had been negatived before?

A. There had been a degree of difference of opinion among the perſons who promoted the Reformation of Parliament. Mr. Pitt propoſed this ſpecific plan, which it was thought, if it had been approved by the people who met at the Thatched Houſe Tavern, might put an end to that difference of opinion, and procure a united ſupport to that plan.

Q. But what effect did you expect from a united ſupport of that plan, which the Houſe had rejected?

A. A greater effect from the united ſupport of the people, than from the diſunited.

Q. Do you recollect whether Mr. Horne Tooke, the gentleman who has now the misfortune to be before you, attended at that meeting?

A. I do recollect it perfectly.

Q. Do you know whether he was preſent when that approbation to Mr. Pitt's plan was propoſed?

A. He was.

Q. As I take for granted you never could expect to be placed here to anſwer the queſtions I am putting to you, I ſhall not aſk whether you particularly recollect what Mr. Tooke ſaid, but whe-

whether Mr. Pitt's propoſition was univerſally approved, and a vote of thanks paſſed to Mr. Pitt?

A. There was no propoſition made, as far as I recollect, to return thanks to Mr. Pitt; there was a propoſition made to declare, that, in the opinion of the meeting, the Reform propoſed by Mr. Pitt would effect a ſubſtantial improvement of the conſtitution, that propoſition was negatived by the meeting, and, therefore, it was to no purpoſe to propoſe thanks to Mr. Pitt.

Q. It was negatived by the meeting?

A. By a majority of the meeting.

Q. Do you know what part was taken by Mr. Tooke upon that occaſion?

A. I perfectly recollect he ſpoke in defence of the propoſition that I made at the meeting?

Q. Then you made a propoſition which, upon being debated, and put to the vote, was negatived?

A. The propoſition I made at the meeting, and which was negatived, was, that if the reformation propoſed by Mr. Pitt was carried into effect, it would be a ſubſtantial improvement of the Conſtitution of Great Britain; thoſe are not exactly the words of the reſolution, but the ſubſtance of it.

Q. And notwithſtanding that propoſition was negatived, Mr. Horne Tooke was for the affirmative of the propoſition?

A. He took the affirmative of that propoſition before it was negatived; ſome ſpoke in ſupport of the propoſition, others againſt it; there was a debate, but, I perfectly recollect, Mr. Tooke ſpoke in ſupport of the propoſition.

Q. Whether thoſe who negatived Mr. Pitt's propoſition negatived it upon the approbation of ſome other plan, inconſiſtent with Mr. Pitt's?

A. As far as I can recollect, nothing of that kind occurred.

Lord Chief Juſtice Eyre. Was the queſtion put upon the declaration?

A. I think not.

Lord Chief Juſtice Eyre. You know that it was negatived?

A. A queſtion was put upon the propoſition which I made, but no other propoſition was made.

Mr. Erſkine. And Mr. Tooke ſpoke in the affirmative, and was in the minority. We have learned, in the courſe of this cauſe, that there were a great number of meetings of different deſcriptions; had you, in the courſe of theſe meetings, an opportunity of ſeeing Mr. Tooke, at any other time?

A. I cannot with certainty recollect, but I do believe that Mr. Horne Tooke was preſent at the meeting held at the Thatched Houſe Tavern, in the year 1782, which has been the ſubject of depoſition already in this Court; I think he was, but I cannot take upon me poſitively to aſſert—it was held immediately after Mr. Pitt's firſt propoſition on the ſubject of Reform.

Q. What was the object of that firſt meeting?

A. As I underſtood, the object of that meeting was, to endeavour to animate the people of England to meet in their reſpective diſtricts, to petition Parliament for a reformation in the Houſe of Commons.

Q. Were there any propoſitions of that ſort come to at that meeting?

A. The propoſitions come to at that meeting I cannot exactly recollect, though I made them myſelf; I recollect the ſubſtance only.

Q. I only want the ſubſtance?

A. There was a propoſition to excite the people to come forward to petition Parliament, when they had negatived the Right Honourable Gentleman's motion, that they thought it expedient to endeavour to animate the people to come forward to ſupport the queſtion, or ſupport that reformation which Mr. Pitt had endeavoured to bring forward at that time.

Q. I take for granted, at a meeting aſſembled for that purpoſe, that your propoſition was carried?

Lord Chief Juſtice Eyre. Do not argue it; aſk the queſtion.

Mr. Erſkine. Was it carried, or was it negatived?

A. Carried unanimouſly, I believe.

Q. You ſay, to the beſt of your recollection, Mr. Tooke was at that meeting?

A. I believe he was, but I cannot be abſolutely certain.

Q. Were

Q. Were you acquainted with Mr. Tooke in private life?

A. I never ſaw Mr. Tooke, but once, at any private meeting.

Q. Then you have not diſcourſed with him upon political ſubjects?

A. I have not.

The Reverend Chriſtopher Wyvill,
Croſs-examined by *Mr. Attorney General.*

Q. I underſtood you firſt of all to ſay, that this was in the year 1785; am I correct in that fact?

A. You are.

Q. I then underſtand you to ſay, that the object was to animate the people of England to petition Parliament?

Mr. Erſkine. That was in 1782.

Mr. Attorney General. Then in 1782, or 1785, or both, or one or other of them, the object was to animate the people to petition Parliament?

A. That was the object of the meeting of 1782.

Q. And the laſt tranſaction which you have ſpoken to was in the year 1785?

A. Yes.

Q. Were the reſolutions of this meeting reduced into writing?

A. They were.

Q. All that you mean to depoſe to is to tranſactions that, whenever they begun, concluded in the year 1785?

A. Yes.

Mr. Erſkine. Should you know the reſolution if you ſaw it?

Mr. Attorney General. You have perhaps got the original book, in which theſe original reſolutions were entered?

A. I have the original books of ſeveral deputed meetings, not of that meeting.

Mr. Attorney General. I underſtand diſtinctly, that the laſt tranſaction you ſpeak of is in the year 1785?

A. Yes.

John

John Macnamara, Esq. (sworn.)

Examined by *Mr. Gibbs.*

Q. Do you remember the Constitutional Club in the year 1788, at the time of the King's illness?

A. I do recollect attending the club that year.

Lord Chief Justice Eyre. What do you mean by the Constitutional Club?

Mr. Gibbs. What club was that?

A. A club, if I recollect rightly, established to secure the freedom of election for the City of Westminster, and the interest of the Candidate we were supporting that year, my Lord Hood.

Q. Where did your club meet?

A. I believe at the Thatched House Tavern.

Q. Do you know Willis's Rooms, St. James's?

A. The Tavern itself not being sufficiently large to contain the number that were expected to meet, and actually did meet, the rooms of Willis, who kept the Thatched House Tavern, were appropriated also to that purpose.

Q. When was the club instituted?

A. I fancy it was instituted after the election of Lord John Townsend, who had opposed the re-election of Lord Hood about the month of June, 1788.

Q. It was in that year, I believe, that his present Majesty was afflicted by an illness which confined him?

A. It was in that year, I fancy, that the King was afflicted with that illness.

Q. Do you remember any resolutions proposed by Mr. Tooke at that club?

A. I recollect that there were resolutions proposed by Mr. Tooke, but really I cannot recollect the purport of them just at this moment.

Q. Do you recollect any resolution of this sort—"That it "was the opinion of the Whigs of that day, in 1688, that the "happiness of this nation was best provided for and secured by a "mixed———

Mr. Attorney General. If you will tell me you have any witneſs to prove that in a regular way, I have not the leaſt objection to your putting it in a way not regular.

Mr. Gibbs. I verily believe we have—I have the newſpaper of that day, in which theſe reſolutions are publiſhed. I underſtand you to object becauſe you ſuppoſed I might be leading the witneſs.

Mr. Attorney General. No—I have no ſuch ſuppoſition that you were leading the witneſs, I have ſaid over and over again, if you tell me that what you offer is evidence, I would not make an objection. I know that it may raiſe an awkward ſenſation, but you will allow me to ſay, that I have produced in this trial the Argus, and other newſpapers, to which my learned friend, Mr. Erſkine, and you, have objected, and ſucceſsfully. Upon what ground then is this produced?

Lord Chief Juſtice Eyre. Has this gentleman any recollection what the reſolutions were?

A. I took no memorandums of the reſolutions—I recollect that there were reſolutions propoſed by Mr. Tooke, but really I have not an accurate recollection of them.

Lord Chief Juſtice Eyre. Can you recollect the ſubſtance of them?

A. I conſidered that the reſolutions propoſed by Mr. Tooke, though I cannot recollect the ſubſtance of them, were perfectly conſtitutional, perfectly loyal, and ſuch as I ſhould expect to be propoſed by a complete well-wiſher to the King and Government of this Country.

Mr. Gibbs. Whether the motions were carried, ſuch as they were, that Mr. Tooke propoſed?

A. I was deputed to take care of a number of convivial friends who ſat round me, and I believe I did not hear the queſtion put, from the heat and noiſe of the room, and other circumſtances, or that I was out of the room when the queſtion was put upon the reſolutions.

Q. Did you hear what the reſolutions were?

A. I

A. I cannot take upon myſelf to ſay, upon my oath, whether I did or not.

Q. Did you hear any reſolutions mentioned in the room?

A. I heard Mr. Tooke propoſe the reſolutions, the ſubſtance of which were, as far as I can recollect, as I have already explained them?

Q. In the firſt place, was there any thing in theſe reſolutions, according to your recollection of them, that went at all to attack either the King, or the Houſe of Lords in this Country?

A. Perfectly and completely, to my recollection, the reverſe.

Q. Is it the impreſſion upon your mind, that the effect of theſe reſolutions was the reverſe of that I have been putting to you?

A. I can ſwear that the reſolutions propoſed by Mr. Tooke, which I cannot ſwear whether they were carried or not, were perfectly loyal and conſtitutional.

John Macnamara, Eſq.

Examined by *Mr. Tooke.*

Q. I beg you to try to recollect whether the Conſtitutional Club were diſtinguiſhed by any uniform or not?

A. It was diſtinguiſhed by a uniform, to the beſt of my recollection, of a blue coat, with an orange colour cape, and a button with "the King and Conſtitution" upon it, in impreſſed characters.

Q. Do you recollect whether I was a member of that club?

A. Not only a member, but to the beſt of my recollection, you was one of the original founders of that club.

Q. Was Mr. Rous a member of that club?

A. I do recollect that Mr. Rous wore that uniform.

Q. Did Mr. Steele wear that uniform?

A. To the beſt of my recollection he did.

Q. Did Mr. Pitt wear that uniform?

A. He did.

Q. Did Mr. Dundas wear that uniform?

A. I cannot recollect whether he did or not.

Q. Did Lord Frederick Campbell wear that uniform?

A. I am clear he did, because I ſat not far from him at the table.

Q. Do you remember the preſent Speaker, Mr. Addington, wearing that uniform?

A. I believe he did, but I am not ſo poſitive as I am of the others that I have mentioned.

Q. Do you remember Mr. Fielding, the Counſellor, wearing the uniform?

A. Mr. Fielding did wear the uniform, to the beſt of my recollection.

Q. Do not you recollect the preſent Speaker of the Houſe of Commons being a ſpeaker there—Do you recollect any ſpeeches he made at that time?

A. He may have ſpoken there, but as I have ſtated, I wiſhed to take care of thoſe whom I was deputed to ſee take their glaſs, and enjoy themſelves, and did not quite ſo much attend to the ſpeaking of the different members, as otherwiſe I might have done.

Q. I was going to aſk you, what the numbers were, but you might, in that ſituation, ſee them perhaps more than they were?

A. I cannot ſpeak with accuracy; I thought about twelve hundred in all the rooms; for I fancy there were more than one room appropriated to the meeting.

Q. You have known a little of me—in the courſe of your knowledge of me, did you ever hear me declare any thing againſt the King, the Lords, or the Conſtitution of this Country?

A. My firſt knowledge of the gentleman who puts the queſtion to me, originated, I believe, about that time, and from the very great zeal which he manifeſted, and the aſſiſtance he gave to the Friends of the Candidate that I ſupported upon the re-election for Weſtminſter, I got into habits of intimacy with him;

him; and in conſequence of that I had frequent opportunities of hearing his ſentiments immediately at that period; and again, at a much more awful period, the King's illneſs, at the time of the queſtion of the Regency; and I take upon myſelf to ſwear, that I never met any public or private character who I conceived underſtood the Government or Conſtitution of this Country better than the priſoner at the bar. I alſo take upon myſelf to ſwear, that I do believe no man ever exiſted, that wiſhed better to that Conſtitution, and to the Government of this Country, conſiſting of King, Lords, and Commons, than the priſoner at the bar, during the whole of my acquaintance and knowledge of him.

John Macnamara, Eſq.

Croſs-examined by *Mr. Attorney General.*

Q. You have been ſpeaking to tranſactions I underſtand of the year 1788?

A. I have, and you may eaſily correct me if my recollection is not accurate, to the tranſactions of 1788, or 1789; but I fancy all the buſineſs of the Regency happened in the year 1789; I ſpeak, therefore, to my knowledge of the priſoner in that year, and upon that buſineſs.

Q. I believe you have been principally abroad ſince the year 1788 or 1789?

A. I went abroad in October, 1789.

Q. Of courſe you neither mean to ſpeak to any tranſactions ſince the year 1789, nor to inferences that ariſe out of any ſuch tranſactions, as to your belief as to character or public principle, or otherwiſe, with reſpect to the gentleman at the bar?

Mr. Macnamara. Give me leave to underſtand you.

Q. You of courſe are not ſpeaking from any tranſactions you have known ſince the year 1788 or 1789, as the ground of your belief of the character that you have given of the gentleman at the bar?

A. Moſt certainly I cannot ſpeak to any tranſaction that I neither knew or probably did not hear of, becauſe tranſactions that happened in London I could not hear accounts of in Rome and other parts of Italy where I have been.

Q. You have been abroad a good deal, I believe, ſince the year 1789?

A. Until the middle of laſt June, entirely.—From the month of October, 1789, till about the middle of laſt June, when I returned to England.

Q. Allow me to aſk you whether in the courſe of you being abroad you were in France?

A. I was at Paris the latter end of October, or the beginning of November, 1789.

Q. But not ſince?

A. Yes, intending to go to Italy, through the ſouth of France; I went as far as Tours in France upon my journey, but feeling the melancholy ſituation of the Country, and Mrs. Macnamara not being willing to go without her children, and fearing a great deal more for them than herſelf, though I wiſhed to have gone that way, I notwithſtanding returned through Paris.

Q. What I wiſh to aſk you is this, whether you know the fact of Addreſſes having been carried to the National Convention of France, in the latter end of the year 1792, from any perſons, and whom, in this Country; and the tranſactions in Paris that paſſed relative to thoſe Addreſſes, and the effect of them?

A. For ten months before the 3d of Auguſt, 1792, I was in Paris; that was the ſecond time of my being there.

Q. You left Paris before the 10th of Auguſt?

A. I left Paris upon the 3d of Auguſt.

Q. To ſave you trouble, do you know any thing of tranſactions that paſſed at Paris in November, 1792, with reſpect to Addreſſes from Societies, or bodies, or individuals, of men in England, to the National Convention?

A. I do not; upon the 3d of Auguſt I left Paris, I went to Switzerland, and from thence into Italy.

Q. Then, if I collect the effect of your evidence, it is this, that you ſpeak very ſtrongly to the character of the gentleman at the bar from all you know previous to 1789, and that you know nothing of any of his tranſactions ſince 1789?

A. You are perfectly accurate in giving that conſtruction to what I have ſaid; but during the period of my intimacy with the gentleman at the bar, I had frequent opportunities of converſing with him upon political ſubjects, and ſubjects of government, and from any reading I might have had, or any converſation with other people, I never did receive ſo much information, nor did I ever know any man that ſeemed to be more loyal, nor had a greater affection, or that would have ſooner ſacrificed himſelf for the maintenance of the Conſtitution of this Country, and the Government of it, conſiſting of King, Lords, and Commons, ſtill always exceedingly determined upon a Reformation of the Commons Houſe of Parliament.

Q. Underſtand me for a moment; you have given, as became what you are, to my knowledge, a very honourable man, a very conſiderable teſtimony to the character of the gentleman at the bar; do you mean to ſay that you collect that teſtimony from any one fact from you own knowledge ſince the year 1789?

A. Moſt decidedly not.

John Macnamara, Eſq.

Re-examined by *Mr. Tooke.*

Q. Perhaps, ſince we talk of Paris, and it is ſo often introduced, you may know ſomething of the ſituation of Paris before the Revolution; do you know, or have you heard, from good authority in that Country—have you reaſon to believe that before the Revolution many more thouſands of the poor people of France died yearly, than have died through the war, of putrid diſeaſes, for want of wholeſome food; do you know the ſituation of that Country ſo well before the Revolution as to know that putrid diſeaſes, through unwholeſome food, killed more thouſands of the French than have fallen in battle ſince?

A. I can give an opinion, but I cannot swear to any thing positive upon the subject.

Q. Do you know that in France, before the Revolution, many hundreds every year were broke alive upon the wheel, and put to death by the severest torture?

A. I know the Government of the Country was in a most wretched and deplorable state, that there were executions shocking to humanity, and that there were wretches who deserved such executions; for the people of France, both before and since the Revolution, were not remarkably famous for good behaviour and conduct.

Q. Did you travel to the south of France?

A. No further than to Tours, the troubles of the Country put it out of my power.

Mr. Attorney General. Are you speaking of those barbarities after the Revolution of 1791?

A. I speak to the barbarities that came within my own knowledge, from the latter end of the month of October, 1789, and upon my second return to Paris, ten months before the 3d of August, 1792, when I left it; I speak of barbarities, some of which I was a witness to, that were shocking to humanity, and which would not be necessary to this cause to repeat.

William Fielding, *Esq.* (Sworn.)

Examined by *Mr. Erskine.*

Q. You, I believe, sir, were a member of this club concerning which my client at the bar has examined?

A. I do not know whether I may call myself a member of that club; the reason of my being in that assembly was, that as I had had the honour of being concerned for my Lord Hood, whose interest was very particularly taken up, and the essential confideration of the meeting of that club, I took the liberty of going there, though I was no elector of Westminster.

Q. But I take for granted, from what I know of your honourable temper and nature, that you would not have gone

there, though Lord Hood's Counsel, unless your opinion had coincided with theirs.

A. My opinion certainly would have carried me there, and carried me through all the purposes of that Society with the fullest approbation of my heart.

Q. I believe you also wore the symbol of that opinion; indeed, I perfectly well recollect having seen you in that dress?

Lord Chief Justice Eyre. Will you put the question in a plainer dress.

Mr. Erskine. I have seen Mr. Fielding in his uniform.

Lord Chief Justice Eyre. Do you mean the blue and orange?

Mr. Erskine. Yes—Do you recollect, upon any occasion, seeing the prisoner at the bar there?

A. Several times: Mr. Horne Tooke, during the election for my Lord Hood, had been frequently of those parties that I, as Counsel, was necessarily called to; that was the first opportunity of any acquaintance that ever I had with Mr. Horne Tooke; knowing him there, I certainly recognized him very frequently at those Societies when I had the honour of being there.

Q. I am sorry to put a question so frivolous for so grave an occasion, but the example has been set, concerning the ceremony by which unanimity has been expressed—Do you recollect any particular ceremony by which the members of that club signified their unanimity—do you remember their holding hand-in-hand?

Lord Chief Justice Eyre. We have nothing to do with that.

Mr. Erskine. That was stated to have passed at the Scotch Convention.

Lord Chief Justice Eyre. That is quite another thing.

William Fielding, Esq.

Examined by *Mr. Tooke.*

Q. Whether you did not incite and persuade me, with a thousand or twelve hundred other men, to get up and hold hand-in-

in-hand all round the room, and reſolve to ſtand and fall together?

Lord Chief Juſtice Eyre. All that belongs to this ſubject, relative to that meeting, is, that you did there propoſe ſome reſolutions expreſſive of loyalty to the King, and attachment to the Conſtitution, in King, Lords, and Commons.

Mr. Fielding. I ſhould have no objection to anſwering the queſtion which Mr. Tooke puts to me, and, I rather think, in a good-natured and flattering way. After the ſpeeches of ſeveral other gentlemen, I attempted a ſpeech myſelf; and I endeavoured to exhort the gentlemen then preſent to reſiſt what I then deemed, and deem now, the abuſes that had been practiſed in the Weſtminſter election on the other ſide; I wiſhed to bind them in the moſt hearty manner to immediate action; and I recollect, they ſo far honoured my feeble efforts upon the occaſion, that, after I had done my addreſs to them, every man in the room, to the amount I believe of twelve hundred or more, roſe up, and joined hand-in-hand, which I took as a token of their approbation to me, and a determination to reſiſt thoſe abuſes to the utmoſt.

Q. I deſire not to aſk any thing improper, and Mr. Fielding has ſaid truly I would not aſk any thing improper: I beg he will ſay whether he imagined any perſon of this twelve hundred who did ſo riſe and hold each other's hand, and declare ſuch unanimity to ſtand or fall together (a declaration I never joined in any where elſe), whether he thought any thing treaſonable was intended by the company?

Lord Chief Juſtice Eyre. That is an improper queſtion.

Mr. Tooke. Whether you ever ſaw the original bond, by which that club was bound?

A. I never did; I believe my name will not be found in it.

Q. Whether you were preſent on the 5th of November, 1788, at the meeting of that Conſtitutional Club?

A. I do not recollect.

Q. Can you recollect being preſent at any time when a letter was received by the Chairman of that club from the Revolution Society, and from the Whig Club?

A. I

A. I believe I was preſent at that meeting.

Q. Do you recollect that Mr. Beaufoy at that time ſaid ſomething upon that occaſion?

A. That brings it to my recollection; but what Mr. Beaufoy ſaid I cannot recollect: I remember you made a ſpeech at the end of the table, but, upon my oath, I cannot charge my memory with the contents of that ſpeech.

Q. Do you recollect any thing about a propoſal for raiſing a column?

A. There had been ſomething about a propoſal of a column that the Whig Club was to erect.

Lord Chief Juſtice Eyre. Mr. Horne Tooke, you have been heard, and ſhall be, when you confine yourſelf to that which is a proper ſubject of evidence; the only point that has been opened of this Conſtitutional Club is, that you did, upon an occaſion which called for an expreſſion of loyalty, propoſe reſolutions expreſſive of loyalty to the King, and expreſſive of your attachment to the Conſtitution in King, Lords, and Commons; as to all the reſt, paſſing in a Club of this kind, it is foreign to this enquiry, and not very fit for the grave conſideration of a Court of Juſtice.

Mr. Tooke. I have mentioned theſe circumſtances for the ſingle purpoſe of aſſiſting the recollection of Mr. Fielding, and have ſo far ſucceeded, that I have brought him at length to recollect the meeting where theſe reſolutions were moved; this is the ſingle purpoſe for which I mentioned the other circumſtances. —Since you do recollect that certain reſolutions were moved by me at this meeting——

A. Pardon me for correcting you: I do not recollect that what you ſaid there had the force and appearance of a reſolution; I only can recollect that you made a ſpeech; but whether you moved any thing ſpecifically as a reſolution I have not a recollection.

Mr Tooke. I am trying to bring your recollection to that one part; and I do it to avoid calling ſome other witneſſes who, I believe, are ſtill here in the Court, to ſave the time of the Court

Court as far as poſſible, barely to touch two or three points with one witneſs or two only.

Lord Chief Juſtice Eyre. Do you recollect any thing of the ſpeech, or what was underſtood to be the purport of it?

A. I really cannot charge my memory with it more than that Mr. Horne Tooke ſpoke.

William Fielding, Eſq.

Croſs-examined by *Mr. Attorney General.*

Q. You have been aſked as to ſome tranſactions in the year 1788?

A. The election of Lord Hood and Lord John Townſend in 1788, I believe.

Q. I believe you have heard moſt of the evidence given in this cauſe—You know nothing of any of the tranſactions that have been given in evidence from the year 1790, downwards?

A. Not a ſyllable.

Mr. Tooke. It does ſeem to me extraordinary that whenever I examine to one period of time, the Attorney General objects to it that it is not to another period of time—That ſeems hard upon me.

Lord Chief Juſtice Eyre. The Attorney General does not object to your examining.

Mr. Tooke. No; but he inſinuates that I might be an honeſt man in that year, and otherwiſe the next; but he ſeems to think it of no conſequence that I was an honeſt man that year.

Lord Chief Juſtice Eyre. We take the fact as it ſtands upon the evidence; this was a tranſaction in the year 1788, which, as far as the evidence goes, it is but looſe; but, as far as it goes, ſhews that in the year 1788 you expreſſed yourſelf upon a public occaſion in loyal terms of the King, and ſhewed an attachment to the Conſtitution, in King, Lords and Commons: this is the evidence.

Mr. Tooke. But I think it very unfair that the Attorney General upon every period ſhould ſay—this is only 1788.

Lord

Lord Chief Juſtice Eyre. The Attorney General aſks a queſtion, which he has a right to do, whether Mr. Fielding ſpeaks of a later period than 1788.

Mr. Tooke. I will aſk to the later periods when I come to them.

Mr. Attorney General. The view with which I aſked it is this—If Mr. Fielding had told me he did know any thing of the tranſactions ſince 1790, I ſhould have aſked him what he knew of thoſe tranſactions.

The Right Honourable Lord Frederick Campbell, (ſworn)
Examined by *Mr. Tooke.*

Mr. Tooke. My Lord, I am ſorry to be obliged to call you, but the want of recollection in other witneſſes compels me to have recourſe to yours; and I think I ſhall not fail with your Lordſhip, for ſtrong reaſons, which I dare ſwear your Lordſhip recollects.—I believe that I had the honour to dine with your Lordſhip, at Willis's Rooms, on the 5th of November, 1788?

A. I think ſo.

Q. In the Conſtitutional Club?

A. Yes.

Q. With the blue and orange, and the button written round?

A. Moſt certainly.

Q. I believe your Lordſhip recollects that I did on that day move certain reſolution there?

A. I am confident you did move ſome reſolutions, but to what effect I have not the leaſt recollection now; but, if you put me in mind, I ſhall be able perhaps to anſwer any queſtions.

Q. I ſhall aſſiſt your Lordſhip's recollection by mentioning that they paſſed unanimouſly with exceeding ſatisfaction?

A. Upon my word I do not recollect that.

Q. Does your Lordſhip recollect that my health was drank afterwards?

A. I do not recollect it in the leaſt.

Q. Does your Lordſhip recollect that theſe reſolutions were moved without your being previouſly acquainted with them?

A. Yes, I do.

Q. Does

Q. Does your Lordſhip recollect ſpeaking a little ſharply to me?

A. I do.

Q. And that I ſpoke very ſoftly to you in return?

A. That I do not recollect.

Q. I think that Lord Camden ſat next to you then, as he ſits next to you now.

A. Poſſibly; I do not recollect.

Q. Do you recollect the reſolutions from the Whig Club, and the Revolution Society?

A. I recollect that perfectly, and that I objected to it.

Q. Does your Lordſhip recollect my objecting to them too—Do you recollect laughing pretty heartily at what I ſaid upon the ſubject, in a ſpeech relative to revolutions?

A. I am glad I had an opportunity of laughing, and ſhould be very glad to laugh again.

Q. Did you hear any thing of the ſubſtance of thoſe reſolutions; perhaps I may recal them to your mind?

A. Very poſſibly.

Mr. Attorney General. This is not regular; but I do not object to it.

Mr. Tooke. I confeſs it is not regular; but what can I do when aſking to tranſactions at a diſtance of time, where gentlemen have ſo many things to occupy their minds. Was it either in theſe words, or to this effect, perhaps I may bring it to your Lordſhip's recollection—"That we heartily concur with the opinion of our "anceſtors, and view with equal diſtruſt and diſapprobation, "whoever may attempt, and whatever may tend, to deſtroy that "balance ſo fixed at the Revolution: that the happineſs of the "nation was beſt provided for, and ſecured by, a mixed and "well balanced Government of King, Lords, and People."?

A. I have not the ſmalleſt idea; not the leaſt recollection of it?

Mr. Tooke. I will not trouble your Lordſhip any further; I am ſorry I have troubled you ſo much.

The

The Right Honourable Earl Camden, (ſworn)

Examined by *Mr. Tooke.*

Q. I am very ſorry to trouble your Lordſhip, but you ſee I am driven from one bad recollection to another, and at laſt, I hope to a good one. Your Lordſhip was preſent, I believe, on the 5th of November, 1788, at the Conſtitutional Club?

A. I was.

Q. In the uniform, which I had then the honour to wear in common with yourſelf?

A. I do not exactly remember the date; I take for granted, from what has paſſed, that that was the day.

Q. During the King's illneſs?

A. Yes.

Q. I believe your Lordſhip ſat next, or near, Lord Frederick Campbell, the chairman?

A. I did.

Q. I dare ſwear your Lordſhip recollects the letter ſent by the Whig Club, and the Revolution Society?

A. I recollect ſomething of it.

Q. Do you recollect ſome converſation upon the queſtion?

A. I recollect there was a converſation.

Q. Perhaps your Lordſhip may recollect Mr. Beaufoy ſpeaking, and my following him?

A. I recollect your ſpeaking.

Q. Do you recollect my propoſing reſolutions after I had ſpoken?

A. I recollect your propoſing reſolutions.

Q. You recollect, perhaps, their being unanimouſly carried?

A. I think ſo.

Q. And your Lordſhip may recollect, perhaps, that Lord Frederick Campbell expreſſed ſome diſpleaſure at their being moved without a previous notice?

A. I think he objected to not having been informed of the reſolutions you propoſed.

Q. Does your Lordſhip's recollection go at all, without any further

further aſſiſtance, to what was the ſubſtance of theſe reſolutions?

A. I cannot recollect.

Q. Do you recollect that I did, at the time, ſay any thing which was offenſive on the ſcore of diſloyalty?

A. I do not recollect.

Q. Do you think I did?

A. I think not.

Q. Does your Lordſhip recollect a toaſt that was given for the King's ſpeedy recovery at that time?

A. I think there was ſuch a toaſt given.

Mr. Tooke. I only ſtate it to ſhew the period, that it was at a time when men might probably be diſloyal.

Lord Chief Juſtice Eyre. Who gave the toaſt?

Mr. Tooke. It was given generally in the company, and myſelf acceding to it.

Lord Chief Juſtice Eyre. Though you do not recollect the exact purport of the reſolutions, do you recollect, in general, what was their tendency, whether they were expreſſive of loyalty to the King?

A. I am perfectly certain there was nothing that expreſſed a contrary opinion.

Mr. Tooke. Your Lordſhip recollects this was the 5th of November, the revolution day?

A. It was.

Q. Do you think it bore any reſemblance to this—"That it "was the opinion of the Whigs of 1688, that the happineſs of "this nation was beſt provided for, and ſecured by, a mixed "and well balanced Government, of King, Lords, and "People."?

A. I think it very likely might be ſomething of that ſort; I do not ſufficiently recollect the turn of the reſolutions, to ſay I believe they were of that ſort.

Q. Perhaps your Lordſhip may recollect better this which follows: "That we heartily concur with the opinion of our an-"ceſtors, and view with equal diſtruſt and diſſatisfaction, who-"ever

" ever may attempt, and whatever may tend, to deſtroy that ba-
" lance ſo fixed at the Revolution, and to uſurp upon the pre-
" rogative, rights or privileges, of either branch of the Conſtitu-
" tion." ?

A. I recollect that reſolutions of that ſort were propoſed at the time that I uſed ſometimes to meet Mr. Tooke, during that Weſtminſter election.

Mr. Tooke. That is enough for me; for that was the only day, in that Conſtitutional Club, upon which thoſe reſolutions were come to, and they were propoſed by me.

Earl Camden. What I meant to ſay was, I think, that, at ſome of the meetings, I attended at that time, there were reſolutions to that effect, which you moved; but I do not recollect exactly whether they were moved at the period to which you allude.

Mr. Tooke. That is as much as I wiſh your Lordſhip to recollect; becauſe I recollect, and know, and can prove, that there never were, in that Conſtitutional Club, reſolutions moved but once, and never but by me; and, therefore, it muſt have been at that time, for the Club is not yet diſſolved; we are ſtill members; and it may happen to your Lordſhip, by being a member of a Club to which I belong, that the Treaſons, with which I am accuſed, may all fall upon your Lordſhip.

Mr. Attorney General. This is not fit———

Mr. Tooke. I have done.—Does your Lordſhip recollect this: " That it is the duty of every true friend to his Country, in " whatever connection he may find himſelf, and by whatever " name he may be diſtinguiſhed, to keep his view perpetually " and ſtrictly fixed upon the ſettlement of our Conſtitution, " made in 1688; and at all times, according to his ſtation, " to uſe his beſt endeavours for the maintenance of that ſettle-" ment in its purity, whoſe wiſdom has been confirmed by an " hundred years experience of bleſſings and proſperity, unknown " to any other nation upon earth." ?

A. I do not recollect that.

The Right Honourable Earl Camden,

Croſs-examined by *Mr. Attorney General.*

Q. Whether your Lordſhip has had any intercourſe with Mr. Tooke, in any Club, ſince the year 1788?

A. None whatever.

Mr. Tooke. Is the Conſtitutional Club diſſolved at this moment?

A. I am not aware that there has been any reſolution to diſſolve it.

Mr. Tooke. So that the Club ſtill exiſts, and his Lordſhip's relation is juſt as ſtrong with me as ever, which was none at all.

Mr. Attorney General. Have you been preſent at any meeting, where you have had any converſation or intercourſe with Mr. Tooke, ſince the year 1788?

A. I do not recollect having had, and I am certain I have had no converſation with him ſince that time.

Henry Beaufoy, Eſq; (ſworn)

Examined by *Mr. Tooke.*

Q. I believe you were a member of the Conſtitutional Club, held at Willis's?

A. I remember being at a meeting at Willis's.

Q. The Conſtitutional Club?

A. I did not know that it was the Conſtitutional Club; I underſtood it to be a meeting chiefly, I think, of friends to my Lord Hood; but that it was the Conſtitutional Club has eſcaped my recollection.

Q. Did not you wear the buttons on a blue coat?

A. I do not recollect that I wore any dreſs, that day, but the ordinary dreſs I am accuſtomed to wear, a blue coat, with a common metal button.

Q. And with an orange cape?

A. No.

Q. Did

Q. Did not you accuſtom yourſelf to wear a blue coat with the ornamented button?

Mr. Tooke (to Earl Camden). I beg to aſk your Lordſhip whether you recollect that upon that button which we wore in the Conſtitutional Club, the words "Conſtitutional Club" were not written round?

Earl Camden. "Conſtitutional Club," or "King and Con-"ſtitution," or ſomething of that kind.

Mr. Beaufoy. There were perſons who wore an orange coloured cape; whether they wore a particular button, or not, I do not know; but, to the beſt of my recollection, I neither wore the buttons, nor the cape.

Mr. Tooke. I am older than Mr. Beaufoy, but I find my memory is better. Do you recollect dining at Willis's on the 5th of November, 1788, when Lord Hood was in the chair?

A. I remember dining in the year 1788, I believe Lord Hood to have been in the chair, at Willis's.

Q. Do you recollect a letter received from the Whig Club, and from the Revolution Society?

A. I have an imperfect recollection of ſuch a thing.

Q. Have you any recollection of talking with me upon the ſubject, and giving me notice of it?

A. I recollect addreſſing the meeting on the ſubject of the Revolution; the impreſſion on my mind, ſpeaking at this diſtance of time, was, of believing the Conſtitution to have been effected at the time of the Revolution; and conſidering that the ſubſtantial, practicable happineſs of the people of this Country, under the preſent family, muſt be owing, in a great meaſure, to that Revolution, that I wiſhed to celebrate it with much ſolemnity; and I think I did, at that time, wiſh to celebrate the Revolution with great ſolemnity.

Q. My recollection differs from yours. Have not you conſidered yourſelf as the leader of the Diſſenters, in ſome part of your life?

A. I never had the vanity ſo to conſider myſelf; thinking the Diſſenters entitled to the common privilege of citizens, I cer-

tainly did in the Houſe of Commons, upon that ground, move the repeal of the Corporation and Teſt Acts.

Q. If you will be ſo kind as to attend and keep your recollection to thoſe ſubjects which I ſhall ſpeak of, I ſhall be much obliged to you.—Do you recollect being applied to by the Revolution Society, and engaging yourſelf to carry a bill into Parliament for the purpoſe of the commemoration of that day on which the Bill of Rights paſſed—it is not foreign from the preſent ſubject. Do you recollect that yourſelf brought forward to the Society a propoſal for that Society to join with you—perhaps the noble Lord may recollect this better than the others—a propoſal for the Conſtitutional Club to concur with the Revolution Society, in order to get an Act of Parliament for a perpetual commemoration of that day upon which the Bill of Rights paſſed?

A. I perfectly recollect being applied to by the Revolution Society, and acceding to the propoſal that I ſhould move in Parliament, a bill for the celebration of the anniverſary of the revolution.

Q. Do you recollect bringing that before this very meeting?

A. I recollect, as I ſaid before, addreſſing the meeting upon that ſubject, that is what I before expreſſed.

Q. Perhaps you recollect my having ſubmitted to your conſideration, having written them at your deſire, on the ſpur of the occaſion, and your carrying them to, and communicating them to Lord Hood, and repeating, to the meeting, his approbation for moving thoſe reſolutions, or propoſing them, which Lord Frederick Campbell did not know, and, therefore, he was diſpleaſed at it, and thought I had done it of my own head—but can you recollect that I was juſtified by your approbation, and communication with Lord Hood, and in conſequence of that approbation my moving certain reſolutions?

A. I recollect certain reſolutions being communicated to me by Mr. Tooke, but what the reſolutions were has eſcaped my recollection.

Q. Recollection is like certain caſes of inſanity, touch a particular

ticular ſtring, and, perhaps, you bring it all out, perhaps; if I only mention a word or two your recollection will return.—Can you recollect any thing like this—" That it was " the opinion of the Whigs of that day, 1688, that the happi- " neſs of this nation was beſt provided for and ſecured by a " mixed and well-balanced Government of King, Lords, and " People."?

A. It is exceedingly difficult for me to ſay that that was the reſolution.

Q. No, ſomething of that kind?

Lord Chief Juſtice Eyre. What do you ſay upon it?

A. But ſpeaking from very imperfect remembrance, I ſhould rather incline to think that a reſolution to that effect was propoſed by Mr. Tooke.

Mr. Tooke. " That we heartily concur with the opinion of our an- " ceſtors, and view with equal diſtruſt and diſapprobation whoever " may attempt, and whatever may tend to deſtroy that balance " ſo fixed at the revolution, and to uſurp the prerogative, rights " or privileges, of either branch of the Conſtitution."?

A. Speaking ſtill, as I obſerve, from very imperfect recollection, I ſhould rather imagine, from the preſent impreſſion of my mind, that a reſolution ſimilar to that, perhaps that very reſolution, was moved by Mr. Tooke.

Q. " That it is the duty of every true friend to his Country, " in whatever connexions he may find himſelf, and by whatever " name he may be diſtinguiſhed, to keep his view perpetually " and ſteadily fixed upon the ſettlement or conſtitution then " made, in 1688, and at all times, according to his ſituation, to " uſe his beſt endeavours for a maintenance of that ſettlement " in its purity, whoſe wiſdom has been confirmed by a hundred " years experience, of bleſſings and proſperity unknown to any " other nation upon earth"?

A. The ſame anſwer that I gave before, ſpeaking from the preſent impreſſion, ſtill an imperfect one of what then paſſed, I ſhall give as to this reſolution.

Henry Beaufoy, Eſq.

Croſs-examined by *Mr. Attorney General.*

Q. This was in 1788, was it not?

A. In November, 1788.

Q. In an election conteſt?

A. Subſequent to the conteſt of Lord Hood for Weſtminſter.

Q. Have you had any intercourſe or commerce with the gentleman at the bar, ſince that time?

A. My acquaintance with Mr. Tooke began in that conteſt in 1788, he was a warm and zealous ſupporter of the intereſt of Lord Hood, and as a perſon of that deſcription my acquaintance with Mr. Tooke, did not abſolutely terminate then, though I remember but two occaſions upon which I have ſeen him ſince—one was an accidental meeting in the ſtreet, in which, I believe, nothing particular paſſed, but to aſk him how he did—the next was ſeeing him at the time he was a petitioner againſt Mr. Fox, before the Houſe of Commons.

Q. And you know nothing of any tranſactions of Mr. Tooke, except what you have now ſtated?

A. No.

Mr. Tooke. This gentleman's remembrance requires ſo much *flapping*, that I muſt beg leave juſt to wake it once more. You ſaw me only twice, once in the ſtreet, and once attending my petition?

A. At this moment I remember no more,

Mr. Tooke. But at the next moment I dare ſwear you will.—Did you never meet me at Waghorn's Coffee-houſe—Was there never a time when you were unhappy (your recollection, perhaps, may ſerve you) becauſe after all the money you had ſpent, and your faithful ſervices to Mr. Pitt, he would not return your bow, this is a circumſtance to awaken your memory, becauſe it is a ſtrong caſe—I do not ſolicit the acquaintance of Mr. Beaufoy, and I knew, before hand, that he ſuſpected I brought him here to my character; the gentleman thought, how God knows, that

at

at ſixty I wanted anybody to my character, and, therefore, I muſt recal his memory, becauſe it caſts an imputation upon me, as if Mr. Beaufoy was afraid or aſhamed to be half ſo much acquainted with me as he has been, therefore it is neceſſary to recal his remembrance?

Lord Chief Juſtice Eyre. He has ſpoken of it as he recollects it; you have a right to remind him, but in no ſort to make that obſervation upon the teſtimony, which certainly imports nothing like it.

Mr. Beaufoy. I have no ſort of objection to anſwer this queſtion.

Mr. Tooke. That the gentleman ſhould forget ſo ſtrong a circumſtance aſtoniſhes me, becauſe he is upon his oath?

Mr. Beaufoy. I have not the ſmalleſt objection to anſwer the queſtion.

Lord Chief Juſtice Eyre. Mr. Tooke, you are wrong to mix theſe kind of obſervations with your queſtions; you may aſk Mr. Beaufoy upon the ſubject of having ſeen you, as much as you pleaſe, but you ſhould not mix obſervations with your queſtion.

Mr. Tooke. I do aſſure your Lordſhip I make uſe of it only as a circumſtance——

Lord Chief Juſtice Eyre. I do not object to your aſking the queſtion, only to intermixing obſervations.

Mr. Tooke. This is not intended as an obſervation, but as a circumſtance abſolutely neceſſary to recal the matter to Mr. Beaufoy's recollection.

Mr. Attorney General. There is no man more tender about interfering than I am, but I call upon your Lordſhip to protect the witneſs, who is a perſon as much entitled to the protection of the Court, as the priſoner—let the priſoner put his queſtion but he has no right to introduce it with an obſervation that bears hard upon the character of the witneſs, to whom he puts the queſtion.

Lord Chief Juſtice Eyre. I have repeatedly ſtated to Mr. Horne Tooke what the rule is, and in point of decency, and civility, he ought to obſerve it.

Mr. Tooke. It is ſo kind of the Attorney General to protect my witneſs, that I am ſure it would be inhuman of me not to do ſo too, therefore I ſhall ſay no more to him.

Lord Chief Juſtice Eyre. Why do not you then aſk the queſtion?

Mr. Beaufoy. I have no recollection, whatever, of any moment of my life, ſince my firſt acquaintance with Mr. Pitt, in which the circumſtance happened of his refuſing to return me a bow; and in which I expreſſed, to Mr. Tooke, the ſmalleſt uneaſineſs from a circumſtance of that kind.

Mr. Tooke. You applied to me for my intereſt at that time; but I have no intereſt now, and it is quite right for you to forget it.

Mr. Beaufoy. There is nothing more foreign to my remembrance.

Mr. Attorney General. The witneſs has ſworn that it has not happened——

Mr. Tooke. Mr. Attorney General, do me no wrong, he has not ſworn it, he only ſwears he does not recollect; but Mr. Beaufoy will not deny it, upon his oath, in the preſence of perſons of the deſcription that I ſee round, able to inform themſelves upon the ſubject hereafter, I will venture a wager——

Lord Chief Juſtice Eyre. A wager!

Mr. Tooke. I am wrong—I forgot myſelf.

Lord Chief Juſtice Eyre. You have a right to aſk Mr. Beaufoy, without all this introduction, whether he will ſpeak poſitively, or confine himſelf to his want of recollection; I can do no more than ſtate the rule, and call upon the priſoner to abide by it.

Mr. Tooke. I am contented, I only juſtify myſelf from the Attorney General's ſuppoſition of having forgot myſelf further than I had, but he did not ſwear the contrary, he ſaid he did not recollect it.

Lord Chief Juſtice Eyre. I am ſorry to ſee that you do not point your queſtion.

Mr. Thomas Symonds, (ſworn.)

Examined by *Mr. Erſkine.*

Q. What is your profeſſion?

A. A Student of the Law.

Q. In your paſſage to the bar, I take for granted?

A. Yes.

Q. Of which of the Inns of Court are you?

A. The Inner Temple.

Q. Are you a member, or have you at any time been a member of the Conſtitutional Society?

A. For two or three years I have.

Q. Are you ſtill a member?

A. Yes.

Q. Are you acquainted with the priſoner at the bar?

A. I have that honour.

Q. Are you acquainted with him in private life, as well as accuſtomed to meet him at this Society?

A. I have been ſeveral times in his company, both at his own houſe, and ſometimes at other places.

Q. Was your attendance upon this Society regular or frequent?

A. Tolerable, ſometimes I have attended pretty frequently, at other times I have omitted for two or three months, perhaps attended conſtantly, and then omitted for a month or ſo.

Q. Did you attend with ſufficient frequency to be acquainted with the objects of the Society?

A. Perfectly.

Q. What were the objects of the Society?

A. A Parliamentary Reform.

Q. We have had ſo much diſquiſition upon the meaning of that word, that I wiſh to aſk you what you underſtood and meant by a Parliamentary Reform?

A. A Reform in the Houſe of Commons.

Q. Was that not only underſtood, but univerſally expreſſed to be the object of your meeting?

A. I

A. I believe it had always been conſidered as the only object of our meeting.

Q. Of what number did that Society conſiſt?

A. I do not know the number the Society conſiſted of, but the average attendance was about fourteen or fifteen.

Q. From any thing that was tranſacted in the Society whilſt you were a member of it, have you any reaſon to know, or to believe, that at any time that original object was departed from, and another ſubſtituted in its ſtead?

A. Never; every act that they did, conſidering the circumſtances under which the act was done, always appeared to tend, and to tend ſolely, to that object.

Q. Did you ever hear any propoſition made in that Society, or any diſcourſe ſtirred by any man in it, that led you to believe, or even to ſuſpect, that the Society had changed its object?

A. Never.

Q. Would you have remained, and would you ſtill remain in the Society, under ſuch an impreſſion?

A. Certainly not.

Q. Have you frequently ſeen the priſoner at the meetings of the Society?

A. Yes.

Q. Are you able to recollect, though not the words, the ſubſtance of his political opinions, delivered in the Society, as applicable to theſe objects?

A. Every expreſſion that he uſed on any occaſion, went ſolely to Parliamentary Reform, and was always ſtrictly in favour of the Monarchy, and the Ariſtocracy, the original ancient Ariſtocracy of the Country.

Q. When theſe opinions were ſignified by Mr. Tooke at this Society, did it appear to you that they were the objects of the reſt of the Society to which they were addreſſed?

A. Undoubtedly ſo.

Q. Were you a member of the Society at the time of the meeting or Convention, or whatever you chooſe to call it, that was held at Edinburgh?

A. I

A. I was then a member, but did not attend, I diſapproved of the proceedings; I believe, when the buſineſs firſt came on, I was confined from ill-health, but I believe I had an opportunity of attending within a week after.

Q. Upon what ground was it that you diſapproved of the Convention at Edinburgh?

A. In the firſt place, I did not know enough of the perſons who were to be the Delegates, and in the next place I thought it might be miſtaken by the public.

Q. From what you knew of the profeſſed objects of this Convention at Edinburgh, and from what was ſtated in the Society to be the objects, have you any reaſon to believe any thing criminal was intended?

A. Not in the ſlighteſt degree.

Q. I am not aſking you how far people who got themſelves together there, might be guilty of miſdemeanor in the courſe of a proper object, but was any thing ſaid in the Conſtitutional Society previous to that time, when the matter of Delegates were firſt ſtirred, that led to the conception of a Convention in Scotland to ſubvert the Government?

A. I do not recollect any thing of the ſort.

Q. Do you recollect any propoſition made by the Correſponding Society to the Conſtitutional Society to co-operate with them to have members from their Society to confer with members of yours, for the purpoſe of holding another Convention?

A. I do; I believe I was in the chair either at the time the Delegates came, or the week after.

Q. To the beſt of my recollection I ſaw you in Court laſt night?

A. I was.

Q. Did you hear the reſolutions read which were ſent by the Correſponding Society, with a deſire to be entered upon the minutes of the Conſtitutional Society, and in which they agreed to appoint members to meet their body?

A. Yes—I did.

Q. You were in the chair I think that night?

A. I was either in the chair that night, or the night after.

Q. When this propoſition was made and acceded to by the Conſtitutional Society, what was underſtood, I do not mean when I ſay underſtood, to aſk your private underſtanding, but what was underſtood, as far as that underſtanding was expreſſed, by thoſe perſons who adopted it, or rejected it?

A. By producing general concurrence in favour of Parliamentary Reform to obtain their object ultimately.

Q. Was that the object of the Conſtitutional Society in accepting the propoſition of a conference with the members of the Correſponding Society?

A. Entirely ſo; there is nothing of which I am more certain.

Q. Upon your oath, whether there was any thing ſaid by any man who did accept of that correſpondence with the Correſponding Society which ſignified the contrary, or could induce any human creature to think the contrary?

A. Not a ſyllable.

Lord Chief Juſtice Eyre. It is better to aſk what they did ſay—Was there any debate upon it?

A. There was ſome debate, but I do not recollect any thing particular upon it.

Mr. Erſkine. Do you recollect what was ſtated by thoſe preſent; what was ſtated to be the object of this conference when accompliſhed?

A. I do not recollect what was ſtated, but I am ſure nothing was ſtated to render it otherwiſe than a Parliamentary Reform.

Q. If there had been a conſpiracy to ſubvert the Government, by means of this Convention, muſt not you have known it?

A. Undoubtedly.

Q. I will put it in a ſtronger way, if it be poſſible—if this Committee of Conference, which was the firſt which was propoſed by the Correſponding Society, and accepted by the Conſtitutional Society, had been to ſet on foot a conſpiracy

for

for the deteſtable object ſtated in the indictment, muſt you not, as being preſent, have collected that?

A. Undoubtedly.

Q. Did you collect ſuch an object?

A. No—nor had I any ſuſpicion that any body elſe could think ſo, till theſe perſons were taken up.

Q. Now that you have had an opportunity of ſeeing different members of the Society, have you any reaſon, upon your oath, from any thing you know, to believe any ſuch thing was the purpoſe?

A. Not the ſlighteſt; I am perfectly ſure of the contrary.

Q. Were you preſent at any ſubſequent meeting, after the appointment of this Committee, when the report was made?

A. I was.

Q. If I underſtand the matter right, the Committees of the two Societies met, and they brought their reſolutions upon the 11th of April before the Conſtitutional Society for their approbation?

A. Yes—I was there when the reſolution was brought, and I was there the week before.

Q. This is the reſolution of the Committee—"Reſolved, "that it appears to this Committee very deſirable, that a ge- "neral meeting or Convention of the Friends of Liberty ſhould "be called, for the purpoſe of taking into conſideration the "proper methods of obtaining a full and fair repreſentation of "the people."?

A. I was there then.

Q. If theſe proper methods of obtaining a full and fair repreſentation of the people, had been a total departure from all the objects of your Society from its firſt inſtitution, do you think it is poſſible you ſhould not have collected it from ſome member of the Society who were debating this, and adopting it?

A. It is impoſſible but I muſt have collected it.

Q. I find a diſtinction in point of phraſe, between the reſolutions of the Committee, and the reſolutions of the Society at large, that adopted thoſe reſolutions; I have read the one, I will

will read the other now: "Reſolved, that it appears to this "Society very deſirable that a general meeting of the Friends of "Liberty ſhould be called, for the purpoſe of taking into conſide- "ration the proper methods of obtaining a full and fair repreſenta- "tion of the people"—Do you recollect any, and what, debates taking place that produced this modification, and change in the reſolutions?

A. I recollect there was ſome debate about the word Convention, becauſe, I believe, I was the firſt to oppoſe the uſe of that word, as it might tend to miſlead the public mind; that they might think we had ſome other object in view, than merely Parliamentary Reform; therefore I oppoſed it, made a very few obſervations, and that was followed by ſeveral others.

Q. Upon your oath, when you made that objection to the word Convention, leſt it ſhould produce the miſrepreſentations that you have adverted to, had you the leaſt idea, in your own mind, that there was a conſpiracy on foot?

A. Not the ſlighteſt.

Q. Have you now?

A. No; I never had one moment of my life.

Q. That is *bona fide* what you ſaid?

A. Undoubtedly.

Q. How was the propoſition, *bona fide*, made by you, received by thoſe to whom it was made?

A. There was ſome little diſcuſſion upon the two words Meeting and Convention; but it was agreed, at laſt, that the uſe of the word *Convention* might lead the public mind to miſtake the object of the Society, and therefore it was omitted.

Q. I obſerve that your Society, almoſt at the beginning, throughout all the proceedings, make uſe of this phraſe, "a full "and fair repreſentation of the people." From what paſſed, from the expreſſions of all and every member of that Society, and from the beginning to the end of your acquaintance with it, what was the meaning of a full and fair repreſentation of the people in Parliament?

A. I believe that, in our Society, they were inclined not to go quite ſo far as the Correſponding Society; ſome members of the

the Society were in favour of Univerſal Repreſentation, ſome were not; I was not for one, and many were not.

Q. Do you know what were the ſentiments of the gentleman now before you upon that head?

A. Fifty times have I heard him reprobate, and violently, in talking with many of his friends, the idea of Univerſal Repreſentation; it was his conſtant object.

Q. Did you ever hear any member of the Society make a propoſition, or enter into a debate, that touched the honour, majeſty, or authority of the King?

A. Never.

Q. Did you ever hear any propoſition made, or any incitement, not to a conſpiracy, but to a diſpoſition to touch the hereditary office of the Houſe of Lords?

A. Undoubtedly not; they were all concerned in obtaining a Reform in the Houſe of Commons.

Q. Was it ever ſtirred, in effect, to accompliſh the objects of your Society, by any means not legal or conſtitutional?

A. Never.

Q. Do you think it poſſible that a conſpiracy could have been on foot, to accompliſh the object of your Society by combination and force, without your being acquainted with it?

A. Impoſſible.

Q. Did you ever hear of the idea of arms being uſed for that purpoſe?

A. Never.

Q. Had you ever the idea of exciting others to uſe arms for that purpoſe?

A. Never.

Q. Was it ever debated, propoſed, or ſtirred, in any of your approbations of the liberties of France, to put down the particular liberties of our own Country, in order to emulate them?

A. By no means; not an obſervation ever paſſed of the kind.

Q. I ſee, by the evidence here, that this reſolution was come to upon the 11th of April, and that then the Conſtitutional Society made ſeveral adjournments; now the Committee of Conference, and the Committee of Co-operation, having met,

met; and come to this reſolution, they continued to be Committees for the objects of conferring, till they were taken up?

A. I do not know any thing of the meeting of theſe Committees; I believe I attended the week after, probably two weeks after.

Q. Then, had you any reaſon to know, or believe, that theſe five perſons, who were deputed from your Society, to meet thoſe who were deputed by the Correſponding Society, the moment they were appointed by delegation, changed the objects of the Society?

A. Undoubtedly not.

Q. In the firſt place, were you preſent when Mr. Tooke was propoſed to be a member of this Committee of Conference?

A. I really am not certain.

Q. You have told me expreſsly what the objects of the Society were, in deputing theſe gentlemen to confer with your Society, and that you have no reaſon to believe they have departed from the ſame objects; in order to know that, we will ſee what their objects were before. You know the Committee conſiſted of Meſſrs. Joyce, Sharpe, Bonney, Pearſon, and Wardle. Now we will go by ſteps—Were you acquainted with Mr. Joyce previous to the time, and up to the very day, and hour, that he was appointed to confer with the other Society?

A. Very well.

Q. Do you know whether the objects which the Society had, and publicly profeſſed, were alſo the objects of Mr. Joyce, and equally publicly profeſſed by him?

A. I have frequently had converſation with Mr. Joyce, and always found his opinions moderate, oppoſed to the violence that exiſted in other people's minds.

Q. Are you now ſpeaking up to the very 11th of April?

A. I am ſpeaking to the laſt moment when I ſaw him, which was, I believe, on that day.

Q. Do you know Mr. Sharpe, the celebrated engraver?

A. I do.

Q. Was

Q. Was he a frequent attendant upon the Society?

A. Pretty well.

Q. Have you been preſent either at the dinner of the Society with Mr. Sharpe, or at the meetings of the Society, when the public objects of your Society have been talked of and debated?

A. I was very frequently there, and often dined there before the Society met.

Q. Have you any reaſon to believe that Mr. Sharpe's objects were different from your objects?

A. None in the leaſt.

Q. We will go next to Mr. Bonney, now in the Tower—Had you ſeen him many times at the Conſtitutional Society with the others?

A. Yes; I have ſeen him ſeveral times; I do not know ſo much of him as I do of Mr. Joyce, but I have been at his houſe ſeveral times.

Q. Whether you ever were acquainted with any man of purer and more moderate principles than Mr. Bonney, on political, and all other ſubjects?

A. I never knew a more moderate, quiet man, in my life, than Mr. Bonney; it is his peculiar characteriſtic.

Q. Had Mr. Bonney the character, in the Society, of being a man devoted to the Engliſh Conſtitution in its forms?

A. He had the character of being a very peaceable, moderate man, and a very loyal ſubject.

Q. There is Mr. Pearſon, were you acquainted with him?

A. Slightly.

Q. Have you ſeen him at the Society?

A. Yes; and have ſeen him frequently ſince.

Q. Have you any reaſon to know, or believe, that Mr. Pearſon entertained any deſign to ſubvert the Government, or to alter the Conſtitution?

A. None at all; not the ſlighteſt.

Q. There is but one more, Mr. Wardle?

A. Mr. Wardle I never ſaw above two or three times, to my recollection, ſo as to have any converſation with him.

Q. Then I have your evidence to this, that the Conſtitutional Society's object was Reform in the Houſe of Commons?

A. Nothing elſe.

Q. And up to the 11th of April, 1794, they purſued that object?

A. Entirely ſo.

Mr. Solicitor General. This is a repetition of the evidence given.

Mr. Erſkine. It is no repetition at all.—If any conſpiracy had exiſted among thoſe perſons, who were appointed thus to confer together, do you believe you ſhould have known it?

A. Undoubtedly, I muſt have known it.

Q. From their character, do you believe them capable of entering into ſuch a conſpiracy?

A. I could never conceive an idea of that ſort for a moment.

Mr. Thomas Symonds,

Croſs-examined by *Mr. Attorney General.*

Q. Now, Mr. Symonds, you were choſen, I think, as far as appears by the books, a member of this Society upon the 1ſt of June, 1792?

A. I do not know the date myſelf, but that, I have no doubt, is about the time.

Q. You were either propoſed or ſeconded by Mr. Joyce?

A. I believe I was; but not being in the Society at the time, I have a very faint recollection of it.

Q. Now, then, to begin with Mr. Joyce—Do you happen to know that Mr. Joyce was preſent when the addreſs of the Conſtitutional Society to the National Convention of France, was preſented by Mr. Froſt and Mr. Barlow?

A. No; I do not know that he was preſent.

Q. Have you never heard that?

A. I never heard it.

Q. Are you much acquainted with Mr. Joyce?

A. Pretty much acquainted with him.

Q. And you mean to ſay you never heard of that fact, that Mr.

Mr. Joyce was present when Frost and Barlow presented the address to the National Convention in France, that you never heard of that?

A. I cannot speak, with certainty, that I have heard of it.

Q. You won't deny that you have heard of it?

A. I rather think I never have heard of it; one's recollection is confused by having read the report.

Q. You know very little of Mr. Wardle?

A. Very little.

Q. You do not know where he is, at this time, perhaps?

A. No; I know nothing of Mr. Wardle.

Q. Mr. Sharpe you know very well?

A. Yes.

Q. You were not with him when he called upon a gentleman, in a neighbouring place, and left his name, Citizen Sharpe, of a particular description, were you?

A. No; I was not.

Q. Mr. Bonney, you know, very intimately?

A. Yes.

Q. Did you ever see a drawing of "the road to Hanover?"

A. Never.

Q. "The road to Hell, by Hanover," did you ever see a drawing of that sort?

A. I never heard of it till this moment.

Q. You came into the Society in June 1792?

A. I have no doubt of it.

Q. You know there has been such a Society as the London Corresponding Society?

A. Yes; I do.

Q. Do you know Mr. Hardy?

A. No.

Q. Have you dined in company with him lately?

A. No; I know him now, by having seen him here.

Q. You know that he is an associated member of the Constitutional Society, I presume?

A. I believe that he is, but I do not know it for certain.

Q. Do not you know that in July, 1792, Mr. Hardy, and

five other members of the London Correſponding Society, were aſſociated members with your Club, the Conſtitutional Society?

A. I know that ſome perſons were aſſociated members, but I do not know their names.

Q. Did you know, ſix weeks ago, that the reſolutions of the London Correſponding Society, which were entered upon the books of the Conſtitutional Society, were entered from a draft ſigned "Thomas Hardy, Secretary," in the hand-writing of the gentleman at the bar?

A. Undoubtedly I did not.

Q. Did you know that the Society, at Sheffield, had ſent to your Conſtitutional Society, to deſire that twelve of their members might be aſſociated; and that there was in the poſſeſſion of the Secretary of your Society, a letter, with the hand-writing of the gentleman at the bar in it, propoſing that aſſociation?

A. To the firſt part of your queſtion I can only anſwer, that I know ſome country Societies ſent, deſiring ſome members might be admitted.

Q. I aſk you, then, this queſtion—You know that there were country Societies aſſociated with you?

A. I remember very well once being preſent, when one Society, it was either propoſed by a member preſent, or by letters, that ſome perſons, members of that Country Society———

Q. This was before your time; I am ſpeaking of what happened in March. Do you know any thing of the reſolutions of the Society previous to June, with reſpect to Paine's works, with reſpect to the aſſociation of the Sheffield people, or the Norwich people?

A. No.

Q. Or the Southwark people the repreſentative Government people?

A. The Southwark people, I am pretty ſure not—my mind is confuſed about the Sheffield and Norwich people—I have ſome idea about ſome Country Societies.

Q. Upon the 16th of April, 1793, perhaps you know that your Society wrote a letter to the Norwich Societies, telling them that there was nothing to be expected from the King, nothing

thing to be expected from Parliament; and, that the only remedy the public could have, would be by a Convention of the People, by Delegates from the different Societies?

A. I certainly know ſomething of that.

Q. Then I beg to aſk you, do you know whoſe hand-writing that draft is? *(ſhewing it to the witneſs.)*

A. No, I do not; I never ſaw this paper before.

Q. You are a gentleman ſtudying the law—did you ever ſee the letter that was ſent to Norwich about this Convention?

A. Never to my knowledge.

Q. I aſk you, then, if you had ſeen a letter from this Society, ſtating, that there was to be no remedy from the King, and none from the Parliament, but, from a Convention ſuch as I have been deſcribing to you, would you have remained in that Society?

A. Undoubtedly, if they ſet aſide the authority of the King, or the authority of the Parliament, I ſhould not—but, if they held out, that the Parliament was likely to be influenced by a general meeting of the people, and the general voice of the people, conveyed in that way to Parliament, I ſhould have thought it a proper object.

Q. Then I aſk you again, if a letter had been ſent from the Society, to your knowledge, upon the 16th of April, 1793, that meant more than that?

A. Undoubtedly I ſhould not have conſented to it.

Q. And you would not have ſtaid in the Society—now you were a member of this Society, as early as June, 1792; you have heard, no doubt, of the addreſs of the London Correſponding Society, to the National Convention of France?

A. I have heard of it; I have heard more of it here than any where elſe.

Q. That addreſs, you ſee, was ſent to the National Convention, in October or November, 1792. When that addreſs was ſent, did you know that your Society, or any members of it, had had any thing to do with it?

A. If I recollect right, I was confined with illneſs at that time.

Q. Give me leave then to ask you, whether you knew that Mr. Hardy had ſent to Mr. Tooke a letter, to deſire his advice about a declaration to the Convention of France?

A. I knew nothing of the kind.

Q. Did you know that Mr. Tooke had corrected and ſettled the Conſtitution of the London Correſponding Society?

A. Not till I heard it here.

Q. Did you know that Mr. Margarot had written to Mr. Tooke, relative to a declaration to the Convention of France?

A. I did not.

Q. You knew nothing of that all the time you were in the Society?

A. No.

Q. You were a member of the Society when the Conſtitutional Society ſent an addreſs to the National Convention of France?

A. I believe I was.

Q. Did you happen to be ill at that time?

A. I recollect nothing about it, and from what cauſe I cannot tell, whether I did not attend, or what, I recollect having ſeen it in public.

Q. I do not put to you a queſtion upon the contents of the addreſs, but I aſk you, if that addreſs had contained ſentiments going beyond yours, as you have explained them, with reference to the letter of the 16th of April, 1793, would you have continued to belong to that Society?

A. If the addreſs merely applied to the ſtate of France, I certainly ſhould have agreed in ſtronger language regarding France than regarding England, becauſe I think their caſe required ſtrong meaſures.

Q. But if it had relation to the ſtate of England, you would not have gone to that length?

A. By no means, they are different caſes.

Q. Did you ever read a letter from the editor of the Patriot, at Sheffield, in the poſſeſſion of Mr. Adams?

A. I have no recollection of it.

Q. Were you privy to an anſwer being prepared to that letter, which has any part of it in the hand-writing of the gentleman at the bar, which ſtates, that infant freedom is making herculean efforts?———

Mr. Erſkine. Take the letter itſelf.

Mr. Attorney General. I will take the words of the letter.

Mr. Tooke. Take the words in my hand-writing.

Mr. Attorney General. Did you ever ſee or know that there was ſuch a letter ſent by the Society—"We are brothers in "affection with you, with the freemen of Sheffield, of Stock-"port, and of the whole world—freedom, though an infant, "makes herculean efforts, and the vipers Ariſtocracy and Mo-"narchy are panting and writhing under its graſp? may ſuc-"ceſs, peace and happineſs attend thoſe efforts."—Did you know that ſuch a letter as that was ſent from your Society?

A. No, I have no recollection of it.

Q. Did you know that the words "ſucceſs," and "thoſe "efforts," were in the hand-writing of the gentleman at the bar?

A. No, I knew nothing about it.

Q. You have told me, before, you knew nothing of the letter of the 16th of April, 1793—when did you firſt know that Mr. Froſt, in his addreſs to the National Convention, had told the Preſident, that he hoped they would ſoon ſend ambaſſadors to a National Convention in England?

A. I did not know that Mr. Froſt had ſaid that till this moment.

Q. Did you know that Mr. Adams had, in his poſſeſſion, an account from Mr. Froſt, ſtating, that he had ſaid that to the National Convention, when he preſented the Addreſs of the Conſtitutional Society?

A. No, I did not; I rather think all theſe tranſactions took place at the time I was confined for ſix weeks in bed.

Q. Did you know that the Preſident of the National Convention had returned an anſwer to Froſt and Barlow, ſtating to them, that he hoped the French would ſoon ſend ambaſſadors to a National Convention in England?

A. This is the firſt time I have heard of it.

Q. Then, of courſe, you did not know that Mr. Adams had in his poſſeſſion, as Secretary of your Society, a letter, ſtating, that the Preſident of the National Convention had done all this?

A. Undoubtedly not.

Q. When your Society came to a reſolution of thanks to Barlow and Froſt, were you aware that theſe tranſactions I am now ſtating had paſſed in the National Convention in France?

A. I was not aware of any particular tranſaction.

Q. But, being preſent, you permitted it to paſs?

A. And perhaps I might even have conſented in a more direct way, becauſe, as they went over to expreſs the approbation of many friends of freedom in this Country, to the principles of freedom, if they had executed their commiſſion I ſhould have thought they deſerved thanks.

Q. You were not, I think, indeed I am pretty ſure you were not of the Society when the addreſs went to the Jacobins; you know that was when they had a King in France?

A. I rather think that was before I was in the Society.

Q. You know nothing, therefore, of that addreſs?

A. I do not.

Q. How long was it, after the 10th of Auguſt, that your Society ſet about addreſſing the National Convention?

A. I do not recollect the dates at all.

Q. Did you ever ſee the Addreſs of the London Correſponding Society, to the People of England, of the 6th of Auguſt, 1792?

A. I may have ſeen it, but I have no recollection of it.

Q. Did you ever know, that upon the 8th of Auguſt, 1792, Hardy or Margarot had ſent to Mr. Tooke a copy of that Addreſs, deſiring his opinion of it?

A. I know nothing about it.

Q. You know nothing of all that; you, of courſe, knew nothing of the actual proceedings of the Scotch Convention, in 1793?

A. No, nothing but from the public papers.

Q. Do

Q. Do you remember ever to have ſeen in the poſſeſſion of Mr. Adams, or ever to have heard, in point of fact, that there was, in the poſſeſſion of Mr. Adams, a letter from Mr. Skirving, repreſenting, that the Scotch Convention would, in effect, die away, unleſs your Societies in London ſent them Delegates?

A. No, I know nothing about that.

Q. Margarot was, you know, an aſſociated member of your Society?

A. He may have been, I do not know.

Q. Mr. Gerald, perhaps you know, was an aſſociated member of your Society?

A. It is impoſſible for me to tell who were members?

Q. But whether Margarot and Gerald were, or not, aſſociated members of your Society; perhaps you know, in fact, that they were the Delegates from the London Correſponding Society to the Scotch Convention?

A. I do not know, from my own knowledge—I only know from public reports?

Q. Do you know who propoſed Mr. Martin to be a member of this Society?

A. I do not know.

Q. You do not know, then, that the gentleman at the bar propoſed Mr. Martin?

A. I have heard it.

Q. Poſſibly you have ſeen the proceedings at the Globe Tavern, upon the 20th of January?

A. I have heard of them here.

Q. Did you know that ſuch proceedings had paſſed on the 20th of January, at the Globe Tavern, before they became the ſubject of very public converſation and notoriety?

A. I knew there was a meeting, but I did not know what took place; and I heard that there were ſome ſtrong reſolutions, but I did not know what in fact had taken place.

Q. Were you preſent at that Society upon the 17th of January, 1794?

A. You may bring it to my recollection by circumſtances.

Q. There

Q. There were ſome reſolutions, that a ſtudent of the Temple may not like to hear of—when law becomes an inſtrument of oppreſſion; and Jefferies and the like: you know what I am ſpeaking of?

A. I was not preſent.

Q. Did you ever ſee the rough draft of theſe reſolutions?

A. No.

Q. Not being preſent, you cannot tell me, perhaps, whether Mr. Gerald took the chair, upon Mr. Tooke's walking out of it?

A. I do not recollect ever ſeeing Mr. Gerald in the chair.

Q. Were you preſent upon the 24th of January, 1794, when there was a reſolution, "that the moſt excellent Addreſs," without any date—"the moſt excellent Addreſs of the London Correſponding Society," be inſerted in the books of this Society; and then a great deal of reaſoning, whether the Parliament ſhould be termed his Majeſty's Parliament, faithful and honourable Parliament?

A. I was not preſent.

Q. You cannot therefore recollect the reſolution—"The London Correſponding Society have deſerved well of their Country?"

A. No.

Q. Your curioſity perhaps may have led you to have read the reſolutions of the 20th of January, ſince the circumſtances which have lately happened with reſpect to theſe Societies?

A. I have heard much of them here and elſewhere, but have not read them.

Q. From all you have heard of them, ſhould you have thought that Society had deſerved well of their Country?

A. I muſt have a more accurate idea of the proceedings of the Society before I could give that approbation of them.

Q. I take for granted you did not know that your Society paid Thelwall for 2,500 Addreſſes of the London Correſponding Society?

A. I did not.

Q. You did not know that Adams had paid, upon the requeſt of any body whatever, ſix guineas to Thelwall, to reimburſe him

him for 2,500 Addreſſes of the London Correſponding Society; —you know nothing of that?

A. No.

Q. Do you recollect a communication from the Correſponding Society that they were to have a meeting upon the 14th of April?

A. I do not recollect that——Do you mean the laſt 14th of April?

Q. Their communication with your Society that they were to have a meeting upon the 14th of April?

A. No, I know nothing of that.

Q. Did you know that Thelwall was an aſſociated member of your Society?

A. I believe he was.

Q. I aſk you, did you, whilſt you remained a member of the Society, know that Thelwall was a member of it?

A. I cannot ſay that I did, of my own knowledge; I thought he was.

Q. Did you know that Margarot was?

A. I do not know what you mean by *know*; do you mean looked at the books and ſaw their names entered?

Q. No; whether you knew, by any ſources of information, that Thelwall was a member, Margarot a member, Martin a member, Sinclair a member, and Gerald a member?

A. I knew Martin and Sinclair were members.

Q. And Mr. Gerald?

A. I did not know.

Q. Mr. Margarot?

A. I did not know.

Q. Did you know that the Society for Conſtitutional Information printed the letter of Mr. Paine to Mr. Dundas?

A. Yes, I did.

Q. Did you know that the London Correſponding Society printed the letter of Mr. Paine to the people of France for the uſe of perſons in England?

A. No, I did not know that.

Q. Did

Q. Did you know that Mr. Joel Barlow ſent a letter to your Society upon the 6th of October, 1792, relative to his publication of a letter to the National Convention of France; that you thanked him, and ordered the reſolutions to be publiſhed in the papers?

A. Yes, I know that.

Q. And did you know the contents of Mr. Barlow's letter?

A. I have a general recollection of them now.

Mr. Attorney General. I ſhall aſk you no more queſtions.

Mr. Erſkine. Nor ſhall I.

Lieutenant Colonel John Money, (ſworn)

Examined by *Mr. Tooke.*

Q. I have but two or three queſtions to aſk you, becauſe I ſhall not aſk you to what I think you dont know—You have been in the ſervice of France?

A. Yes.

Q. At what time did you enter into the ſervice of France?

A. Here is my Commiſſion, ſigned by the King of France and the Marſhal de Camp General in the armies of France.

Q. At what date did you firſt enter?

A. This is, I think, the 18th of July, 1792.

Q. At what time did you quit the ſervice?

A. When I heard that this Country was likely to be at war with France.

Q. What date was that?

A. The 25th of December, 1792.

Q. As ſoon as you heard that this Country was likely to be at war with France, you very honourably quitted the ſervice?

A. I did.

Q. But, up to that time, did you think that you were acting the part of a loyal ſubject?

A. I certainly did, or I had not gone into the French ſervice; I knew very well that a Commercial Treaty ſubſiſted between this Country and France; I had the approbation of my friends before I went, and I came from thence the moment——

Lord

Lord Chief Juſtice Eyre. We are not enquiring into your conduct.

Mr. Tooke. I want a very ſhort anſwer, to a very ſhort queſtion.

Colonel Money. I will give you as ſhort an anſwer as you pleaſe, or as long an one as you pleaſe.

Mr. Tooke. Whether, after your return to England in the year 1792, you waited upon the Secretary of State, Lord Grenville, and Mr. Dundas?

A. The inſtant I arrived in England I waited upon Mr. Dundas: I wrote him a note.

Q. I do not want to know particulars.—Did you receive any reproaches from either of the Secretaries of State for having been in the French ſervice up to that period in 1792?

A. I did not.

Q. Have you ſince that been at Court?

A. I have.

Q. And you have been received graciouſly by the King?

A. Very graciouſly.

Lord Chief Juſtice Eyre. Not one word of this is evidence.

Mr. Tooke. Will your Lordſhip be ſo kind as to tell me what is evidence, and then I will give that which will be evidence.

Lord Chief Juſtice Eyre. The conduct of Colonel Money is not under our conſideration: whether he acted right or wrong—whether he was approved of by the Secretary of State and the King, or diſapproved of, is nothing to the preſent enquiry.

Mr. Tooke. By endeavouring to be ſhort, perhaps my object is not perceived.

Lord Chief Juſtice Eyre. If there is any thing that connects you with any circumſtance that concerns Colonel Money then it will be evidence.

Mr. Tooke. My object is this—that in ſome month, I do not know which, whether July, Auguſt, October, or when, certain ſubſcriptions or letters of mine, declaring an approbation, or intention to give aſſiſtance (for none was given) to France, appear to me to have been ſpoken of as if they were after the war

war commenced; now, it ſeems to be much ſtronger in the caſe of a man who has the approbation of the King and the Secretaries of State who had actually been in the French ſervice, than a propoſal to give ſome ſhoes to the ſoldiers, which never were given.

Lord Chief Juſtice Eyre. If your point was to ſhew when the war commenced, ſo far it may be proper, becauſe in that date your caſe may be implicated; but whether Colonel Money acted right or wrong, whether his conduct was approved or diſapproved, cannot touch your caſe.

Mr. Tooke. No, ſurely, that was not my object; I meant to have the joint benefit of ſhewing what were the opinions of this gentleman and the Secretaries of State relative to the commencement of the war; and joining that evidence with the King's ſpeeches, both before and after this time, I thought that I ſhould ſatisfy any reaſonable mind that I could not know what nobody elſe did: but, if it is wrong, I have loſt but little time—I have no more queſtions to aſk Colonel Money.

——— *Maxwell, Eſq.* (ſworn.)

Examined by *Mr. Erſkine.*

Q. Do you know Mr. Tooke?

A. I do.

Q. How long have you known him?

A. I have known him ever ſince the year 1793.

Q. Where did you firſt become acquainted with him?

A. At Wimbledon.

Q. Did you viſit him there?

A. I did.

Q. Had you ever any opportunity in conſequence of thoſe viſits of knowing his political ſentiments?

A. I had.

Q. Confidentially?

A. Yes, I think I may ſay confidentially.

Q. What days did you viſit Mr. Tooke?

A. Generally, I think, on a Sunday.

Q. What

Q. What paſſed upon thoſe occaſions, as relative to the particular ſubject which brings us here?

A. It would be difficult for me to ſtate every thing that has paſſed upon thoſe occaſions.

Q. I mean any prominent circumſtance that your mind ſuggeſts to you at this moment?

A. I have heard Mr. Tooke ſay that he diſapproved of Univerſal Suffrage; I have heard him argue againſt it in the preſence of a few confidential friends.

Q. Did you ever hear Mr. Tooke ſay any thing with regard to the means of accompliſhing a Parliamentary Reform?

A. I have.—I remember to have heard him ſay, that he thought it might be a proper thing for ſome gentlemen who were preſent, and ſuch others as might approve of the plan, to ſtand, whenever any opportunity offered, for the cloſe boroughs; and if they did not ſucceed in being returned to Parliament, that then they ſhould petition, in order to expoſe all the abſurdities and iniquities attending the election at ſuch boroughs, and by that means to induce a majority of both Houſes of Parliament, and the borough proprietors, through ſhame, to agree to a Reform in the Repreſentation of the Commons.

Q. Did you ever hear Mr. Tooke offer any expreſſion hoſtile to the prerogative of the Crown, or to the King's perſon?

A. I never did.

Q. Or to the hereditary office of the peers in the Houſe of Lords?

A. Nor to the hereditary office of the peers in the Houſe of Lords I never did.

——— *Maxwell, Eſq.*

Examined by *Mr. Tooke.*

Q. Whether there were any gentlemen at my table that day, when this propoſal was made by me, of ſtanding for all the pocket boroughs, who conſented to ſtand when the boroughs became vacant?

A. There was one conſented.

Q. Do you recollect his name?

A. Mr.

A. Mr. Walker, of Manchester.

Q. Do you recollect any other?

A. I do not recollect any other who conſented.

Q. Did you yourſelf take it for conſideration?

A. I approved of the thing, and took it for conſideration.

——— *Maxwell, Eſq.*

Croſs-examined by *Mr. Attorney General.*

Q. You are not Doctor Maxwell, are you?

A. I am not.

Q. May I preſume to aſk you where you live?

A. My reſidence is in the county of Linlithgow, in Scotland.

Q. On what occaſion did you come up to town in 1793?

A. I generally am in town every year.

Q. You did not happen to dine at Mr. Tooke's at any time towards the cloſe of the year 1792?

A. I was not acquainted with Mr. Tooke at that time.

——— *Maxwell, Eſq.*

Re-examined by *Mr. Tooke.*

Q. As you are not Doctor Maxwell, I beg to know what trade or profeſſion you are of?

A. I am of no trade or profeſſion.

Q. Whether you are a clerk in any office?

A. No, I am not.

Q. Whether you are any gentleman's ſervant?

A. No.

Q. Whether you have ſervants of your own?

A. Yes, I have.

Mr. Attorney General. I aſked whether he was Doctor Maxwell, becauſe there was a Doctor Maxwell, I ſee, a member of the Conſtitutional Society.

Mr. Tooke. He is a gentleman in a very different ſtation.

Edward

Edward May, Esq. (sworn)

Examined by *Mr. Erskine.*

Q. Do you know Mr. Horne Tooke?

A. Yes.

Q. How long have you known him?

A. Better than two years.

Q. Are you a member of the Constitutional Society?

A. I am a member of no Society at all.

Q. Your acquaintance with Mr. Tooke is of course in private life?

A. Entirely so.

Q. Have you been intimate with him?

A. Yes—Mr. Tooke has often dined at my house, and I at his, and not being a member of either of the Societies, I wished to know his principles; we have often talked very freely; I have frequently asked his sentiments upon politics, he has uniformly told me he wished well both to the King and the Aristocracy of this Country; that the only change he wished was in the House of Commons. The last conversation I had with Mr. Tooke was in the street, a very short time before he was taken up.

Q. Upon these subjects, did you find Mr. Tooke a man loose and floating in his opinions, or was he steady to one opinion, and to one purpose?

A. I found him both when he had drank a great deal of wine, and when perfectly sober in the morning, uniformly consistent with the same principles. I have heard him reprobate the introduction of Paine's principles here, saying, that this Country was not fit for a Republic; that the only thing he wanted was a Parliamentary Reform; and he also told me that he refused being a Delegate to the Scotch Convention.

Edward May, Eſq.

Croſs-examined by *Mr. Attorney General.*

Q. Do I rightly underſtand you, that in converſation with Mr. Tooke you have heard him reprobate Mr. Paine's principles?

A. Reprobate the introduction of his principles here, and I have alſo, to the beſt of my recollection, heard him ſay that he refuſed being a Delegate to the Scotch Convention.

William Tooke Harwood, Eſq. (ſworn)

Examined by *Mr. Erſkine.*

Q. You are, I believe, an officer in the army?

A. I am.

Q. Of what regiment?

A. The ninth of Dragoons.

Q. Of what rank?

A. Captain of a troop in the ninth regiment of Dragoons.

Q. Do you know Mr. Tooke?

A. Moſt intimately.

Q. How long have you known him?

A. My Uncle introduced me to him about ſix years ago, who has likewiſe a great friendſhip for him.

Q. In conſequence of that introduction, and your Uncle's friendſhip, that intimacy grew between you?

A. It did.

Q. Have you been in the courſe of viſiting him much?

A. Frequently from day to day.

Q. I take it for granted that it has happened to you, in conſequence of that intimacy, to have had converſation with Mr. Tooke upon many different ſubjects; whether, among others, you have ever converſed with him upon political ſubjects?

A. Certainly, it was his general theme.

Q. Are you able to inform the Gentlemen of the Jury what his ſentiments were upon political ſubjects, as applicable to this Country and its Government?

A. He

A. He had the higheſt veneration for this Government in King, Lords, and Commons, but he ſaid the Houſe of Commons wanted a reform; that there were a great number of Borough-mongers, who ought to be made aſhamed of themſelves; that that part of the repreſentation ought to be reformed, and there were no other means of reforming it, but by application to themſelves, and continual applications, till they were made aſhamed, and had done it.

Q. Do you remember any propoſition of Mr. Tooke to try to accompliſh this purpoſe, and in what way?

A. He made a propoſal to a great number of friends, that they ſhould all ſtand for the different rotten boroughs, and that each ſhould petition againſt the members who might be ſuppoſed to have bought the original intereſt of it. I propoſed myſelf to be one, I believe Mr. Maxwell was another, Mr. Walker, of Mancheſter, another, and I believe there were ſome others who were very deſirous of doing it; he ſaid, by this means only we could ever expect a reform—and it was only by ſuch a reform that we could ever expect any good to this Country.

Q. Was Mr. Horne Tooke uniform, ſteady, and firm in thoſe principles?

A. Throughout the whole of every thing I ever heard him ſay or do.

Q. You never found him taking up a ſentiment one day, and laying it down the next?

A. Never.

William Tooke Harwood, Eſq.

Croſs-examined by *Mr. Attorney General.*

Q. I believe it appears by the Conſtitutional Society's book, that you are a member of that Society?

A. I am.

Q. Is not your name William Tooke Harwood?

A Yes.

Q. It appears by the book that you were preſent upon the 23d of March, 1792. Do you recollect certain reſolutions

from Sheffield, with a reſolution of the Conſtitutional Society upon them, and an aſſociation of twelve members from Sheffield?

A. I think I remember the aſſociation of twelve members; what the reſolutions are, unleſs I heard them, I cannot tell.

Q. You ſigned them I believe as chairman?

A. If I did I will tell you. (*The book ſhewn to the witneſs.*) That is my writing.

Q. You were preſent I believe alſo, as the book informs me, when your Society wrote a letter to the Society of the Friends of the People?

A. I believe I was.

Q. Are you a member of the Society of the Friends of the People?

A. No—I am not.

Q. Do you recollect the anſwer that was ſent by Lord John Ruſſel to your Society?

A. No—I do not recollect what it was.

Q. You never read it perhaps?

A. I dare ſay I did at the time, but I have forgotten it again.

Q. Do you recollect an application from Norwich, which was read in the Conſtitutional Society upon the 4th of May, 1792, for aſſociating twelve perſons from the Norwich Society?

A. I think I do.

Q. You have no doubt, that application was made, and that then they were aſſociated?

A. I think they were.

Q. You were preſent alſo, I believe, upon the 11th of May, 1792, when an addreſs was reſolved upon to the Jacobins in France?

A. That I am not certain of.

Q. Your name appears here—you have heard of ſuch an addreſs?

A. I have.

Q. Have you any doubt that the Society ſent one?

A. Really

A. Really I do not know; I was not the inſtrument of ſending one, nor do I know how it was conveyed, ſo I cannot ſay.

Q. Nor do not know the contents of it?

A. No, I do not.

Q. You know that Mr. Paine was a member of your Society?

A. He was.

Q. And Mr. Barlow too?

A. An honorary member.

Q. Do you know of the proceedings of your Society about the publiſhing Barlow's works, and Paine's works?

A. I do not remember them at this moment, we approved of part of them, and part we diſapproved.

Q. What part you approved, and what part you diſapproved, I take for granted, will appear in the reſolutions of your Society?

A. Very probably.

Q. Do you recollect that Mr. Tooke was to ſend the Addreſs to the Jacobins at Paris?

A. No, I do not.

Q. Were you preſent when the Addreſs of the London Correſponding Society was agitated, whether it was a proper thing to be ſent to the National Convention of France?

A. No, I was not preſent.

Q. Did you know that two perſons of the London Correſponding Society, Margarot, and Hardy, had conſulted Mr. Tooke about that Addreſs?

A. I did not.

Q. Did you know that Margarot was an aſſociated member of your Society?

A. I have ſeen him there, and, therefore, I dare ſay he was, otherwiſe I do not know that he was.

Q. Have you ſeen Mr. Gerald there?

A. I have.

Q. Mr. Sinclair?

A. He was a member.

Q. Mr. Martin?

A. He was a member.

Q. Were you there when the Addreſs from your own Society was ſent to the National Convention?

A. I really do not know, if you will tell me the time, perhaps, I may recollect.

Q. The Addreſs of the 9th of November, 1792?

A. I have not been in London in the month of November, for the laſt five or ſix years.

Q. Do you happen to know who compoſed that Addreſs of the 9th of November, 1792?

A. I do not.

Q. Were you in town in April, 1793, when a letter was ſent to Norwich, ſaying, you were not to look to the King or Parliament?

Mr. Erſkine. I would much rather you ſhould read the whole of the letter.

Mr. Attorney General, Were you preſent when a letter of the 16th of November, 1793, was ſent to Norwich relative to an Addreſs to the King, or the Parliament, or the holding a Convention of the people?

A. I do remember a letter of that kind.

Q. Be ſo good as to look at that *(ſhewing it to the witneſs)* and tell me if that is the draft of the letter?

A. I dare ſay it is.

Q. Whoſe hand-writing is that draft?

A. I do not know, for a certainty, whoſe it is.

Q. Whoſe do you believe it to be?

Captain Harwood. Whether I ought to implicate any body in my belief without a certainty?

Q. I aſk you according to your belief. Do you believe it to be the hand-writing of any perſon that you have ever ſeen write?

Captain Harwood. Do you mean whether I can gueſs it or not?

Q. Do you believe it to be the hand-writing of any perſon whom you have ever ſeen write?

A. No.

Q. You

Q. You do not?

A. I cannot ſwear to that hand-writing at all.

Q. I am ſure you do not underſtand my queſtion; I do not aſk you whether you know, but whether you believe it is the hand-writing of any perſon that you have ſeen write?

A. I can tell you it is more like one man's than another, if that will anſwer your purpoſe.

Q. That won't do, my queſtion is exceeding plain.—Do you believe it to be the hand-writing of any perſon you have ſeen write?

A. I think it is Mr. Paine's.

Q. Have you ſeen Mr. Paine write?

A. No, never—I have ſeen him writing in the ſame room, but I never looked over him while writing.

Mr. Attorney General. If you had told me that at firſt I ſhould not have preſſed you—I ſee you were preſent upon the 16th of April, 1793, you remember, perhaps, that Mr. Froſt read a letter which was to be ſent to the United Societies at Norwich, I aſk you, upon your recollection, by whom, according to your knowledge, if you do know by whom was that letter to Norwich prepared?

A. When that letter was received from Norwich, it was firſt propoſed that Mr. Froſt ſhould anſwer it; but upon a re-conſideration, as I came from Norwich, the letter was given to me to anſwer; I carried it in my pocket from one time to another, and through careleſſneſs I did not anſwer it; juſt before the meeting of the Society I ſent that letter over to Mr. Vaughan, and begged him to carry it to the Society, and requeſted him either to anſwer it himſelf, or get ſome one to anſwer it.—When I came to the Society the anſwer was written, and, I believe, it was afterwards ſent.

Q. Then you do not know who prepared it?

A. I do not, further than that it was written when I came.

Lord Chief Juſtice Eyre. On what day was it voted to be ſent?

Mr. Attorney General. On the 12th of April, 1793, according to the book.—You have now ſtated what you did with this

draft—There is an entry in the book, Mr. Vaughan, as one of a committee, is that the ſame Mr. Vaughan to whom you ſent the Norwich letter?

A. Yes, Mr. Felix Vaughan; he did not belong to the Conſtitutional Society, but he ſometimes dined there, and went away afterwards.

Q. Did he belong to the London Correſponding Society?

A. That I cannot tell; he belonged to ſome Society, I believe. He dined with the Conſtitutional Society, but always went away before the meeting aſſembled, and therefore was gone away before I went there.

Q. Do you recollect who read the anſwer in the Society that night?

A. No, indeed I do not—I ſuppoſe the Secretary.

Q. You cannot charge your memory with that?

A. I dare ſay the Secretary.

Q. You do not know whether Mr. Froſt was preſent that night?

A. I do not.

Q. Do you remember being preſent when the Society returned their thanks to Mr. Barlow, and Mr. Froſt, for their conduct in preſenting the Addreſſes to the National Convention?

A. I remember that.

Q. Do you remember the letters which were ſent by Froſt or Barlow, ſtating what they had ſaid to the Preſident, and what the Preſident ſaid to them?

A. I never ſaw them, nor heard the contents—the thanks, I believe, I ſigned.

Q. You ſay you ſent the Norwich letter to Mr. Vaughan, and you found an anſwer prepared.—Where did you get the Norwich letter?

A. From the Society.

Q. What Society?

A. The Conſtitutional Society, in London.

Q. Do you recollect who gave it you?

A. I ſuppoſe the Secretary, or I might take it off the table.

Q. Look at this letter *(ſhewing it to the witneſs)*, and tell me,

me, upon your recollection, whether this is the letter from Norwich?

A. I dare ſay that is the letter, which, I remember, we ſaid was a very fooliſh one.

Q. And you gave an anſwer to it, as ſuch, I preſume?

A. No, I do not know any thing about that.

Q. I underſtood you to ſay that you had come from Norwich?

A. I did.

Q. Had you been with any of the Societies at Norwich when you was there?

A. I never viſited the Societies.—I know a great many of the members of them.

Q. Do you mean the Societies that had twelve members aſſociated with the Conſtitutional Society?

A. Yes, I knew ſome of them.

Q. Was that letter put into your hands by the Society, without any previous converſation on your part, deſiring it to be ſent?

A. It came by the poſt, I ſuppoſe, there is the poſt mark upon it, I believe.

Q. When you left Norwich, did you know that it was to be ſent?

A. No, I do not know the man that ſigned it.

Q. You know nothing of the proceedings of the Scotch Convention, of courſe?

A. Not in the leaſt.

Q. And you were not preſent upon the 20th of January, 1794, at the Globe Tavern?

A. No.

Q. Nor preſent in the Conſtitutional Society upon the 17th of January?

A. No.

Q. You were not preſent upon the 24th of January, in the Conſtitutional Society?

A. No.

Q. Nor

Q. Nor ſubſequent to that time?

A. No; I have not been in London for a twelve-month.

William Tooke Harwood, Eſq.

Re-examined by *Mr. Tooke.*

Q. You have been aſked concerning twelve aſſociated members from Sheffield, and twelve aſſociated members from Norwich—You anſwered, that you remembered the aſſociated members: do you mean by that, that you ever ſaw any of them at that Society?

A. Never.

Q. To the beſt of your knowledge, did any of thoſe aſſociated members ever attend?

A. I believe, never any one.

Q. When you ſaid you remembered them, you meant remembered their names upon the books?

A. Juſt ſo.

Q. And do you believe that any thing elſe ever followed from theſe aſſociated members?

A. Nothing.

George Rous, Eſq. (ſworn.)

Examined by *Mr. Erſkine.*

Q. You are a member of the Society of the Friends of the People?

A. Yes; and have been ſo from its firſt inſtitution.

Q. Do you remember being preſent at the Society of the Friends of the People, when a letter came to them from the London Correſponding Society, touching joining in the Convention, that they were about to call in the ſpring of 1794?

A. I do.

Q. Do you recollect whether there were or were not a conſiderable number of the Society of the Friends of the People preſent upon that occaſion?

A. I think there was a pretty full meeting.

Q. Was

Q. Was the propriety, or impropriety of acceding to the propoſition of the Correſponding Society debated?

A. It was.

Q. Upon what ground, and for what reaſons was it rejected, and the letter ſent which is ſigned by Mr. Breton, and has been read in this cauſe?

A. The reaſons given, were an apprehenſion that a bad uſe would be made of the Convention; the propoſal was declined; the terms of the letter I do not recollect.

Q. Though the Society of the Friends of the People rejected the propoſition to join in that Convention, yet they were ready to continue to co-operate with them for the general object of Parliamentary Reform?

A. Undoubtedly.

Q. The propoſition ſtated by the Correſponding Society in their letter, being read in your Society, a debate upon it took place. What were the reaſons aſſigned by yourſelf, and others, for not agreeing to ſend a Delegate to this propoſed Convention?

A. I remember, perfectly, the reaſon which I aſſigned, and which produced, at the laſt, a general acquieſcence was, that a bad uſe would be made———

Mr. Garrow. I muſt take the liberty of interrupting my learned friend, Mr. Rous, in this examination, and ſubmit my doubts with great deference to the Court—Whether this can poſſibly be evidence, or any thing like evidence, or any thing that borders upon the ſhape of it. This is a Society of which the gentleman at the bar, neither is, nor ever was, as I underſtand from any ſtatement, a member, conſequently he was not preſent at this meeting.—Mr. Rous is now examining as to the reaſons which were ſtated by certain individual members of a Society, calling itſelf a Society of Friends of the People, for a letter which they wrote, in which they ſtate ſuch reaſons as they thought fit to give for declining the propoſal that was made to them. That letter your Lordſhips have received and, I believe, without any objection from this ſide of the table, probably upon the ground, that as it is an anſwer to an act which is charged

charged againſt the priſoner, it is fit to be received as part of the *res geſta* upon the ſubject. But whatever the real reaſons were, good or bad, that were aſſigned either by the learned and honourable gentleman under examination, or by other perſons, more or leſs learned, or more or leſs loyal than he is, with great deference they ſeem to me not to be fit to be received in evidence, inaſmuch as they appear to have no application to the ſubject. If this objection happens not to be founded, I beg pardon for interpoſing the objection, but it does not ſeem to me that this has any bearing upon the queſtion.

Mr. Attorney General. I muſt ſay a ſingle word in ſupport of this objection, becauſe when one learned lawyer is examining another learned lawyer, with whom I have a great deal to do, in the courſe of my profeſſion, he will pardon me for ſaying there is no end of it—if after Mr. Breton has ſtated the reaſons of the Society of the Friends of the People in a letter, which is a great public document of that Society, we are to have all the arguments, of all the very able orators in that Society, for that is the effect of this examination. I have no doubt my learned friend would diſcuſs this very ably in that Society, though upon that occaſion, probably, as well as many others, he and I ſhould differ very widely.

Mr. Erſkine. I ſhall ſtate very ſhortly my anſwer to this objection, for the very beſt reaſon in the world, becauſe your Lordſhip ſees I am not capable of going into it at length.—The Court has very properly divided this cauſe into two branches—firſt, whether any thing of a conſpiracy of the nature charged in this indictment exiſted at all—and ſecondly, whether, if it exiſted, it is brought home to the priſoner. Under the firſt branch of that evidence a great deal has been gone into, which I am ſure your Lordſhip will underſtand that I am not arguing againſt the admiſſibility of, in order to ſhew that the London Correſponding Society meant miſchief by this propoſed Convention—and in order to ſhew that they meant miſchief by it, a great deal of evidence has been given, of what was ſaid by different members.

What I propoſed to aſk Mr. Rous, was this—the propoſition

was

was addreſſed to the Friends of the People; Mr. Rous happened to be preſent at that time. Now if the Attorney General had proved that a propoſition had been made to the Friends of the People of a nature, upon the face of it, moſt undoubtedly criminal, any ſenſe which the Friends of the People could put upon that criminal paper, ſo written to them, could not do away its criminality in any degree.

But as the paper is in itſelf indifferent, or if it were criminal, is certainly far ſhort of that which brings us together in this place; and as its criminality is to depend upon the intention which the Jury ſhall find that propoſition to have been made with, I propoſe to aſk Mr. Rous, whether any of the Society, to which this paper was addreſſed, put that criminal conſtruction upon it, which the Attorney General aſks the Jury to put upon it. But not that alone, the Attorney General ſays that, which I do not accede to, namely, you have got the document of this, and, therefore, that document, forſooth, is to be evidence. He may call it ſo; I deny it; I ſay that a letter, ſigned by Mr. William Breton, a very honourable and reſpectable man, as Chairman of a Committee—not a Committee known to the law of the Country, not a Committee formed of any Court of Juſtice, or Court of Parliament, but a voluntary aſſembly of private men—is by no means binding at all upon that Society; and that, therefore, in order to get at the meaning of the Society of the Friends of the People, I have a right to examine every perſon who was preſent. It may be ſaid, what is it to the purpoſe what the Friends of the People thought? Upon my word, that is what I wiſh to ſay; I think it nothing to the purpoſe; and if they had told the London Correſponding Society, in that letter, that they thought them traitors, and, inſtead of writing a civil anſwer, had handed it to the Secretary of State, I ſhould not have thought it criminated the London Correſponding Society at all, inaſmuch as the opinion of private men, upon the acts of other private men, is not evidence in any Court; but all evidence is competent, or not, as it is to be followed up by matter which touches the cauſe; and what I wiſhed to examine Mr. Rous to, is this, that the Society of the Friends of the

People having put this conſtruction upon the word *Convention*, which I am putting upon it, whether he did not ſee Mr. Richter, one of the perſons now in cuſtody, and whether he had not a certain converſation with him——

Mr. Attorney General. You cannot ſtate all your evidence in a ſpeech.

Lord Chief Juſtice Eyre. Then you give up the preſent point?

Mr. Erſkine. No; I don't.

Lord Chief Juſtice Eyre. Then you ſhould not ſtart another. At preſent we are upon the queſtion, whether Mr. Rous is to be permitted to give the particular reaſon which influenced him, and which, he thinks, influenced others to agree to that letter which was ſent to the Correſponding Society: that is the only queſtion, at preſent, under conſideration; and that is the objection that has been argued.

Mr. Erſkine. And the only ground upon which I can anſwer the objection is this, that if they had not read the anſwer, which the Society of the Friends of the People ſent to the Correſponding Society, it would be no evidence, nor any thing in the ſhape of evidence; but that the letter written by Mr. Breton, as the Chairman of the Committee of the Society of the Friends of the People, expreſſive of their ſentiments, makes it open to us, to ſhew what the real, genuine ſentiments of that Society were upon the occaſion.

Mr. Attorney General. That is to leave to the Jury, whether Mr. Erſkine or Mr. Rous made the beſt ſpeech.

Mr. Erſkine. I was not there.

Lord Chief Juſtice Eyre. It is utterly impoſſible to maintain that this can be received in evidence. The only thing that can be made uſe of to charge the priſoner, in any manner, is that which came to the hands of the Conſtitutional Society, and whether that was the ſenſe of this meeting, or was not the ſenſe of this meeting, is nothing to the purpoſe; the Conſtitutional Society did receive ſuch a letter from the Friends of the People, that letter muſt ſpeak for itſelf.

Mr. Erskine. That is not the letter I am ſpeaking of; it is the

the letter the *Corresponding* Society wrote to the Friends of the People, and the answer of the Friends of the People to the *Corresponding* Society.

Lord Chief Justice Eyre. It is the answer, and the grounds upon which that answer was sent, that we are now debating; whether other grounds, different from what appears in the answer itself, are to be received in evidence.

Mr. Erskine. No, they are not different.

Mr. Attorney General. Mr. Erskine must see, I am sure, that if he is at liberty to give in evidence what Mr. Rous said, I may be at liberty to give in evidence what every other gentleman said in that tavern upon that day.

Lord Chief Justice Eyre. I have ruled it.

Mr. Erskine. Then I submit to your Lordship whether I am at liberty to ask Mr. Rous if any thing, and what, passed between him and Mr. Richter, a prisoner now in Newgate, upon the subject of this Convention?

Mr. Garrow. To that we shall object, as we have not given any evidence of Richter's declarations. To ask what Mr. Rous said to Mr. Richter, or Mr. Richter said to Mr. Rous, I submit is as little evidence as that which your Lordship has ruled not to be within a hundred miles of the shape of it.

Mr. Erskine. Certainly no declarations of Richter have been offered in evidence; but declarations of any person implicated in this, which is submitted to the Jury as a conspiracy, have been given in evidence; and this is submitted to rebut the inference arising from it.

Lord Chief Justice Eyre. The gentlemen will have the goodness to recollect the declaration I set out with in giving the rule in the morning—that the principle was, that declarations against a man's self are to be received; because no man is presumed to say any thing that would make against himself, for any other reason than because it is true; and that declarations for a man's self are not to be received, because there the contrary presumption takes place: and this is so universally known in practice, that I think it cannot fairly be debated.

Mr. Tooke. My Lord, the multitude of evidence which I had intended to call I wiſh to relinquiſh; I am very well ſatiſfied with the evidence I have already given; but, as the Biſhop of Glouceſter is in Court, I will call him now, and conclude my evidence.

The Right Reverend Doctor Richard Beadon, Biſhop of Glouceſter, (ſworn.)

Examined by *Mr. Tooke.*

Mr. Tooke. My Lord, I aſk the queſtions myſelf, becauſe you are more accuſtomed to my voice than to the voice of the Counſel——I beg your Lordſhip to ſay how long we have been acquainted?

A. I think it is juſt forty years now.

Q. Was that acquaintance ſlight, or affectionate and confidential?

A. For many years certainly not a ſlight acquaintance, but very confidential and very intimate.

Q. Where did our acquaintance firſt begin?

A. At the Univerſity, in the year 1754.

Q. We were there ſome years together, I ſuppoſe?

A. Until we took our Bachelor of Arts degrees—about four years.

Lord Chief Juſtice Eyre. The Univerſity of Cambridge?

A. Yes.

Lord Chief Juſtice Eyre. What College?

A. St. John's College.

Mr. Tooke. Does your Lordſhip recollect my taking my Maſter of Arts degree?

A. I do, perfectly well.

Q. Does your Lordſhip recollect that that degree was oppoſed?

A. I do.

Q. Does your Lordſhip recollect ever any other perſon's degree being oppoſed?

A. I do not at preſent recollect any other.

Q. Is

Q. Is not the degree of Maſter of Arts ſuch an one as would be given to any creature that could anſwer two rational queſtions?

Lord Chief Juſtice Eyre. For the honour of the Univerſity you will not purſue that, Mr. Tooke.

Mr Tooke. I beg your Lordſhip's pardon—It is of ſome conſequence to me, and does not affect the honour of the Univerſity; if it did, I am too faithful a ſon of the Univerſity to put ſuch a queſtion; for I mean no joke upon that Univerſity.

Lord Chief Juſtice Eyre. It is not put in terms that are quite ſo meaſured as you would upon conſideration put it in.

Mr. Tooke. It means no reflection, and is important for me. Your Lordſhip muſt perceive it is ſomething extraordinary that that which is given to every body for nothing was refuſed to me, and never refuſed to any body elſe.

Lord Chief Juſtice Eyre. Certainly; I object only to the phraſe.

Mr. Tooke. Does your Lordſhip think that the oppoſition to that degree, which is ſo eaſily given to every body, proceeded either from any immorality in my conduct, want of character, or want of common underſtanding and abilities?

A. I underſtood it to originate entirely from ſome letters printed in the public papers, ſaid to be written by you to Mr. Wilkes, and publiſhed by him as ſuch.

Q. Does your Lordſhip recollect that Lord Montfort took a very active part in oppoſition to my degree?

A. I do.

Q. Does your Lordſhip recollect that, in conſequence of that oppoſition, very minute and very ſtrict enquiry was made into all the books of the Univerſity at large, and of your College in particular, to find out ſomething to lay to my charge?

A. I certainly have an imperfect recollection of enquiries of that kind being made; how ſtrict they were I cannot ſay now.

Q. Does your Lordſhip recollect that they produced the ſmalleſt cenſure of any kind to be laid to my charge?

A. I do not recollect any, and believe there was none.

Q. Does your Lordſhip believe, from my courſe of life, during my ſtay at that univerſity, that any poſſible charge could be laid to me, with reſpect to my morality, knowledge, decency, quietneſs, or the reſpectability of my behaviour and conduct.

A. I certainly thought, at the time, that no ſuch objection was brought to giving you your degree, as I could accede to, and therefore I gave my vote for your having the degree, and ſupported it as much as I could.

Q. Your Lordſhip was at that time, I believe, Tutor of St. John's, and Orator of the Univerſity?

A. No, not at that time, I believe—yes, I believe you are right; I was public Orator of the Univerſity, and I was Tutor of St. John's.

Q. If your Lordſhip recollects, you gave a dinner in that room where we have ſo often dined, when ſtudents?

A. Yes, it was in the year 1771. or 1772, I think.

Q. Whether it is not your Lordſhip's opinion, and whether you have not frequently expreſſed it to many perſons, that whatever was my way of thinking, it had been the ſame from the time you firſt knew me, up to this time; I mean thoſe of my political ſentiments that are known?

A. I certainly have never known you vary in your political ſentiments, in my hearing.

Q. Have we talked freely and familiarly together, often, upon general ſubjects?

A. Undoubtedly.

Q. Did your Lordſhip ever collect, from any converſation of mine, that I was diſaffected to any eſtabliſhment, civil, religious, political, or, in ſhort, to any eſtabliſhment in this Country?

A. No, I did not.

Q. From your Lordſhip's knowledge of me, what muſt have been the general courſe of my life; muſt I have been very diſſipated, or tolerably ſtudious?

A. I am inclined to think it has been ſtudious.

Q. As much as moſt men?

A. I believe very ſtudious.

Q. A little more than moſt men?

A. More

A. More than many men, certainly.

Q. Has your Lordſhip ever aſſiſted me with books, from the Univerſity of Cambridge?

A. I think I have.

Q. Did your Lordſhip diſcover for me ſome books no where elſe to be found, that were in the Bodleian Library at Oxford, Carrabel, and Campanella?

A. Yes.

Q. Did your Lordſhip ſuppoſe that I was more employed in depoſing the King, and overturning the ſtate, or in hunting out for new words and new meanings? Which does your Lordſhip think moſt occupied my attention?

A. I knew you was very much employed in the latter; I never did know, and I hope you never have been employed in the former.

Q. And did you believe that I was?

A. I have no reaſon to believe it, from any thing I have heard you ſay, or any thing I knew you do.

Mr. Attorney General. Do you know any thing of the proceedings of the Conſtitutional, or the London Correſponding Societies, for the laſt three years?

A. Nothing at all.

Mr. Tooke. Is not that queſtion almoſt as bad as my ſpeaking of the maſter's degree? And now we are even, becauſe it muſt be as great a diſgrace to the Biſhop to talk to him about the Conſtitutional Society, and the Correſponding Society, as my ſpeaking lightly of the qualification for a maſter's degree.

Mr. Attorney General. I will not let this paſs without rebuke from your Lordſhip, if I am wrong, and without informing this Court, that it is not to part upon this occaſion with a laugh.

Lord Chief Juſtice Eyre. It is impoſſible for me to ſay that the queſtion was irregular; and there was nothing in the terms of it that conveyed that kind of objection which I felt to the other queſtion; at the ſame time, undoubtedly, it is very evident, that the Biſhop of Glouceſter could not poſſibly know any thing of theſe Societies.

Mr. Attorney General. I know, in a Court of Juſtice, I cannot take it upon my notions of what the Biſhop of Glouceſter does, or does not know. What is evidence muſt come from the Biſhop of Glouceſter, as well as from any other man.

It being now paſt nine o'clock on Thurſday night, the Court adjourned to ten o'clock on Friday morning.

SESSION HOUSE IN THE OLD BAILEY.

Friday, November the 21ſt.

PRESENT,

Lord Chief Juſtice EYRE;
Lord Chief Baron MACDONALD;
Mr. Baron HOTHAM;
Mr. Juſtice GROSE;
Mr. Juſtice LAWRENCE;
And others, his Majeſty's Juſtices, &c.

John Horne Tooke ſet to the bar.

Lord Chief Juſtice Eyre. In opening the caſe on the part of the priſoner, a great deal of ſtreſs has been laid upon the acquittal of Hardy. You know extremely well that properly no mention ought to have been made of the acquittal of Hardy, nor any obſervation made upon it, unleſs the acquittal of Hardy could be produced in evidence. You have not hitherto offered to produce it in evidence, and you are now, as it ſeems to me, going upon the ſumming up of the evidence, without producing it in evidence. As a thing opened and obſerved upon, it ought regularly to have been followed up by being offered in evidence; if it is not, it cannot be made evidence, and if it is not offered in evidence, then nothing ought to have been ſaid of it originally, and nothing ought now to be ſaid of it in the ſumming up.

Mr. Erſkine. When a Counſel opens the caſe of a defendant, or priſoner, it is impoſſible for him to know what judgment the Court will pronounce upon any evidence he may afterwards offer, and therefore it is competent to the Counſel to propoſe to give any evidence which appears to him to be material for his client, and appears to him alſo to be competent, becauſe it is impoſſible for a Counſel to anticipate what the judgment of

the Court will be upon the relavancy or admiſſibility of any part of the proof. We conceived the thing to be ſo very notorious, having paſſed before your Lordſhip, and in this Court, and our client, ſatisfied he had laid before the Jury ſufficient to maintain his innocence, did cloſe his evidence. Undoubtedly it was our intention to produce the record of that acquittal, and we will produce it if your Lordſhip thinks it admiſſible. If your Lordſhip thinks it not admiſſible we cannot. I do not mean to argue the admiſſibility of it; however, I aſſure the Court I conſidered it ſo when I opened the defence.

Mr. Gibbs. We offer it as proof that one of theſe perſons, indicted upon this record, has not been guilty of the conſpiracy. The charge againſt Mr. Tooke is that he conſpired with certain others. We have not got the record drawn up.

Lord Chief Juſtice Eyre. Drawn up!—I do not apprehend you need be under any difficulty about that, becauſe I think the courſe in this Court is to read the minutes. Is not that ſo Mr. Shelton?

Mr. Shelton. Yes.

Mr. Gibbs. The ground upon which we ſubmit it is evidence, and we ſhould have offered it before, is that Mr. Tooke is indicted for conſpiring with certain other perſons, of whom Hardy is one; by this we offer to ſhew that Hardy has not been guilty of that conſpiracy, and that that part of the charge againſt Mr. Tooke has not been proved.

Mr. Tooke. I am bound to ſay juſt one word to juſtify my Counſel, whom I have brought into this ſituation, by cloſing my evidence without conſulting with them, and to excuſe myſelf for having ſo done. Your Lordſhip cannot but recollect the nature of the croſs-examination of one or two of the laſt witneſſes, and I was very anxious, for that reaſon, to cut ſhort my evidence at once. I have left out a great deal of evidence upon a great many points that I ſhould have otherwiſe produced. Mr. Attorney General aſked the witneſſes to facts which they knew nothing of, and which he was aware they knew nothing of, for when they ſaid ſo, Mr. Attorney General always ſaid he thought ſo. Perceiving that it would be impoſſible I ſhould

ever

ever ſhop, I certainly cloſed my evidence a little too abruptly, and I beg pardon of my Counſel and the Court, if I have brought them into a ſituation which I ſhould not have done.

Mr. Attorney General. Notwithſtanding Mr. Tooke has cloſed his evidence too early, he has my conſent, as far as that will go, to offer any thing he pleaſes in evidence. With reſpect to this evidence of the acquittal of Hardy, I have no objection in the world to that—I leave it to the Court.

Lord Chief Juſtice Eyre. You do right in not preſſing any objection, the ground of the Court is ſomewhat different from that which has been ſtated at the Bar. The acquittal of Hardy has been ſpoken of in a general way, and may be, and probably would, by thoſe who do not diſcriminate accurately, be carried much further than it ought to be carried in point of effect, and that is always the conſequence of talking of matters which are not in evidence, becauſe till they are in evidence, the Court can take no notice of them, and the Court cannot properly point out to the Jury to what purpoſe ſuch an acquittal may be applied as evidence, and to what purpoſes it ought not to be applied. The Court muſt ſay, if it were not in evidence, however utterly impoſſible it may be for any ſet of men perfectly to attend to it, the Court ought to ſay, that the Jury ſhould not even know that Hardy had been acquitted; that they ſhould lay the whole ſubject entirely out of their conſideration, which is perhaps aſking men to do more than men could do, and therefore it is much better that it ſhould be regularly in evidence, and that its true bearing ſhould be ſeen.

Now the point to which it ſeems to me it may properly be evidence, and to that point only, is as far as the acquittal of Hardy will go, to contradict the evidence that goes to fix upon Hardy, particularly, the being a party in this conſpiracy. There is a great deal of evidence that goes to that, which has been made uſe of, and which has an application beyond Hardy, but as far as it directly points to Hardy, to be ſure it is, as it ſeems to me, an anſwer to that evidence, that Hardy ſtands acquitted, and it is for that purpoſe, and in order that the true

bearing of it may be ſeen, that I have put you in mind that the evidence ſhould be offered, and if admiſſible, ſhould be admitted, in order that it may be exactly ſeen how far it really does apply; and Mr. Attorney General has, with that candour which has diſtinguiſhed his conduct throughout the whole of the proceedings, ſtated, that he does not object to the evidence being offered. I think it is convenient for the purpoſes of juſtice that it ſhould be offered.

Mr. Gibbs. It will then be in evidence, that Mr. Hardy has been indicted for the ſame conſpiracy, and acquitted.

The minutes of the acquittal of Thomas Hardy were read by Mr. Shelton.

THE END OF THE EVIDENCE.

MR.

MR. GIBBS.

Gentlemen of the Jury,

It now becomes my duty to obſerve to you, upon the caſe that is ſuppoſed by the gentlemen, who conduct this proſecution, to have been made againſt Mr. Tooke, and in order to render that caſe, and thoſe obſervations, which I ſhall make upon it, moſt intelligible, I think the better way will be for me, in the firſt place, to ſtate to you what I conceive the law to be, as applicable to the facts charged upon Mr. Tooke, and then what thoſe facts are, and how that law applies to it.

Gentlemen, with reſpect to the crime charged upon Mr. Tooke, you can no where find it better than by looking into the authority of the Court, before which this indictment was found, and obſerving to what crimes its juriſdiction extends. This you will find deſcribed in what is called the caption of the indictment, which I have in my hand—by that caption, as extracted from the commiſſion under which the Court ſat, it appears that the Juſtices before whom this indictment was found, had authority to enquire of High Treaſons, in compaſſing or imagining the death of our Lord the King—that is the only part of their juriſdiction which can apply to the preſent caſe; and, therefore, I am juſtified from that alone in ſaying, that the only queſtion for your conſideration, at leaſt one queſtion, without finding which in the affirmative, you cannot convict the gentleman who ſtands at your bar, is, whether he has compaſſed the King's death—that is the only Treaſon as applicable to this caſe, ſtated in the commiſſion under which the indictment was found; and though the gentleman at the bar had been guilty of twenty other acts of Treaſon, wherever he might be anſwerable for them, he would not be anſwerable in this Court.

Another place, Gentlemen, in which we may ſeek the crime imputed to the priſoner, is the indictment itſelf. That indictment charges, in the firſt place, the Treaſon—and in the next place, it charges the overt-acts, by which it is inſiſted, that the Treaſon

Treaſon is proved. The Treaſon charged againſt the priſoner in that part of the indictment which muſt, as it does, contain the crime imputed to him is, that he has compaſſed to bring our Lord the King to death; and this is the only material charge in that part of the indictment, for I am ſure that the Court will go along with me when I ſay, that if every thing elſe had been omitted from that part of the indictment, and nothing had been ſtated, but that the priſoner compaſſed the King's death, the indictment would be good.—If every thing elſe had been left in the indictment, and that part of it which charges, that he had compaſſed the King's death had been omitted, the indictment would have been bad; therefore it follows as an irreſiſtable concluſion, that the only material charge in this indictment, againſt Mr. Tooke is, that he has compaſſed the King's death.—But the indictment muſt go further, it muſt charge overt-acts by which he has endeavoured to bring about this deſign, conceived by him, to put the King to death.—It does charge ſeveral overt-acts which it is not neceſſary for me to ſtate to you particularly; but thus much I will obſerve, that in the introduction of every overt-act, the indictment ſtates, as it muſt ſtate, and it would be bad if it did not, that "to fulfil, perfect, and bring to "effect the Treaſon before mentioned;" that is the compaſſing the King's death, Mr. Tooke committed the acts charged againſt him: if the indictment had not ſtated that theſe acts were committed for the purpoſe of bringing about the King's death, the indictment would be bad—it follows of courſe, therefore, that you have to try, not only the exiſtence of thoſe acts that are ſtated as overt acts, but likewiſe there tendency; whether they were committed in proſecution of that formerly imputed Treaſon, the compaſſing the King's death.

Gentlemen, the acts themſelves charged againſt the priſoner, are chiefly, that he agreed with others that a Convention of the people ſhould be held in this Country; which Convention, when drawn together, was to act againſt the Government of the Country, and to depoſe the King—there are other counts ſtating a general conſpiracy to overturn the Government, and to depoſe the King. I take, therefore, the ſum of the charge againſt

againſt the priſoner to be this—that he has compaſſed the King's death, and in order to effect that purpoſe, has done certain other things with a view firſt to depoſe the King, and by means of that depoſition of the King, ultimately to produce his death. This is the Treaſon ſtated upon the indictment, and the only Treaſon as applicable to a caſe of this ſort which could be ſtated there.

I have hitherto inſiſted, from the authority given to the Court before which this indictment was found, and from the charge in the indictment itſelf, that the facts for you to try are—whether the priſoner compaſſed the King's death; ſecondly, whether he committed thoſe acts that are charged upon him in the indictment; and thirdly, whether he committed them in proſecution of this deſign. I proceed now to the ſtatute upon which alone this indictment could be framed, the ſtatute of 25 Edward the Third, paſſed in what my Lord Coke calls a bleſſed Parliament, becauſe it ſecured the ſubject from thoſe charges of conſtructive, obſcure, and undefined Treaſon, to which he was before expoſed, and laid down a certain and unerring path by which he might in future direct his conduct, and following which he was ſure of not being intrapped by that which I am ſorry to ſay in thoſe early times, was a State engine of perſecution—an indictment for High Treaſon.

With this view the ſtatute of 25 Edward the Third was paſſed. It begins with reciting the miſchiefs I have ſtated; it recites that divers opinions had been before that time entertained in what caſe Treaſon ſhall be ſaid, and in what not; and, therefore, the King, at the requeſt of the Lords and Commons, makes a declaration in the manner as hereafter followeth. Then the ſtatute goes on (I need not ſtate the whole of it) to ſay what ſhall be Treaſon as attaching to the King's perſon—"That is to ſay, when a man doth compaſs or imagine the "death of our Lord the King, or our Lady his Queen, or of "their eldeſt ſon and heir, and thereof be provably attainted of "open deed by the people of their condition." Now, Gentlemen, you will obſerve that before this ſtatute was paſſed, Treaſon was a crime undefined by the ſtatute law; when a man

was

was indicted for High Treaſon, and a Jury impannelled to try him on that charge, they knew not, until it was explained to them from the Bench, of what High Treaſon conſiſted; they muſt, therefore, learn from the Court what was the crime imputed to the priſoner; but, after that ſtatute, this ceaſes to be the caſe, they learn now from a higher authority what High Treaſon is; by this ſtatute every branch of High Treaſon is ſpecifically pointed out to them; that, therefore, which before was a matter of law in the breaſt of the Judges, becomes by virtue of this ſtatute, a matter of fact in the breaſt of the Jury, and the ſtatute points out to them what facts ſhall conſtitute High Treaſon.

But, Gentlemen, the makers of this ſtatute were aware how difficult it was to guard the ſubject againſt unjuſt proſecutions for Treaſon—one might have thought that having pointed out what ſhould be the offence, if it had not been a very, very crying oppreſſion indeed, one might have thought that the makers of the ſtatute would have ſuppoſed that ſufficient for the ſecurity of the ſubject; but they have not done ſo, they knew what an engine of oppreſſion proſecutions for High Treaſon were made, and, therefore, in their ſolicitude for the ſecurity of the ſubject, in the anxiety that he ſhould not in future be expoſed to vague, looſe charges of Treaſon; the ſtatute goes on expreſsly to prohibit the conſidering any thing as Treaſon, except what is contained in this ſtatute, the words to which I allude are theſe—"And it is to be underſtood, that in the caſes above rehearſed that "ought to be judged Treaſon, which extends to our Lord the "King, and his Royal Majeſty, &c. and becauſe that many "other like caſes of Treaſon may happen in time to come, "which a man cannot think nor declare at this preſent time, "it is recorded that if any other caſe, ſuppoſed Treaſon, which "is not above ſpecified doth happen before any Juſtices, the "Juſtices ſhall tarry without any going to judgment of the "Treaſon till the cauſe be ſhewed and declared before the King "and his Parliament, whether it ought to be judged Treaſon, "or other felony."

You ſee here is an expreſs prohibition to the Courts, from a ſuſpicion entertained at that time that future Courts might act

as preceding Courts had done. Here is an expreſs prohibition to them to go out of the words of the ſtatute, and to adjudge any thing to be Treaſon, that is not above ſpecified.

Now we have got three ſteps. We have got the commiſſion under which the Court ſits; we have got the charge againſt the priſoner, as contained in the indictment, and we have got the ſtatute itſelf under which that commiſſion iſſued, and upon the authority of which this indictment is drawn.

The next thing we have to go to, is the opinion of learned men of the profeſſion of the law who have conſtrued this ſtatute. We know of none more learned than my Lord Coke; he has always been called, as my learned friend, Mr. Erſkine, ſaid in his opening, "The Oracle of the Law." Let us ſee what he lays down as the rules by which this ſtatute ſhould be conſtrued. My Lord Coke's third inſtitute is a comment upon this ſtatute, and in commenting upon the words—"If a "man ſhall compaſs or imagine the death of the King" he ſays, "And if it be not within the words of this act, then by force "of a clauſe hereafter mentioned it cannot be adjudged Treaſon "until it be declared Treaſon by Parliament, which is the remedy "in that caſe."

I told you, Gentlemen, that it had been foreſeen by the Legiſlature, that as Judges who had ſat before the making of that ſtatute, had conſtrued that to be Treaſon which was not ſo, ſo thoſe who followed might endeavour to do the ſame thing. In truth, Gentlemen, notwithſtanding what I have ſtated to you of the expreſs definition of Treaſon in that ſtatute; notwithſtanding what I have ſtated to you of the prohibition to Judges to hold any thing to be Treaſon that is not there ſpecified, the ſame conduct was purſued by Judges after that time, and it was neceſſary to paſs another ſtatute, for the purpoſe of bringing back the law to the rule laid down by the ſtatute of 25 Edward III., and accordingly there was paſſed, in the firſt year of Queen Mary, another act, ſtating that theſe grievances had exiſted, and expreſsly prohibiting that extenſion of authority again in the Judges, and enacting that

only

only ſuch as were declared and expreſſed to be Treaſon and Petit Treaſon in that act, ſhould hereafter be conſidered as Treaſon. So that you ſee here is the act of the Legiſlature in the 25 Edward the Third; here is the act of the Legiſlature in the 1ſt of Mary, re-enacting that act, correcting abuſes that exiſted between the making of that act, and the act I am now obſerving upon, and bringing back the law to that which the 25 Edward the Third had eſtabliſhed, namely to the ſimple act (as far as applies to this caſe) of compaſſing the King's death.

Gentlemen, this ſtatute likewiſe Lord Coke comments upon, as well as the other; the words which I read to you from the ſtatute, were "that nothing ſhould be conſidered as Treaſon "that was not ſpecified and expreſſed in that act." Lord Coke comments upon the words "ſpecified and expreſſed"—"this "word ſpecified," he ſays, "is to be ſpecially obſerved, for it is "as much as to ſay particularized, or ſet down particularly, ſo "as nothing is left to the conſtruction of the Judge, if it be "not ſpecified and particularized before by this act." Then you, Gentlemen, have nothing to try, their Lordſhips can hold cognizance of nothing but that which is ſpecified and expreſſed in the ſtatute of 25 Edward the Third, and nothing is ſpecified and expreſſed in that ſtatute but the Treaſon of compaſſing the King's death; we have had the authority under which the Court ſits—the indictment—the ſtatute—the conſtruction of the firſt Lawyer of this Country upon that ſtatute, expreſsly ſtating, that there is no Treaſon that can come under your cognizance in this charge, except the compaſſing the King's death, and that that is the act which you have to try.

Now let us ſee what has been the conduct of the ableſt Judges of this Country ſitting in judicature. I could refer you to many caſes upon that ſubject, but will confine myſelf to one, becauſe that ſpeaks for all, and it exiſted at a time when no favour was ſhewn to perſons charged with the crime of which Mr. Tooke now ſtands accuſed; I ſpeak of the trial of Lord Ruſſel, in the time of Charles the Second. Lord Ruſſel was tried before my Lord Chief Juſtice Pemberton, as wiſe, as

 learned,

learned, and as able a Judge as ever adorned the bench. The Treaſon charged againſt my Lord Ruſſel was, that he had compaſſed the King's death; that is the Treaſon charged againſt the gentleman at the bar; the overt-act charged againſt my Lord Ruſſel was, that "to fulfil and effect his moſt horrible "Treaſons and traitorous compaſſings, he with others, did meet "together, conſult, agree, and conclude inſurrection and re-"bellion to move and ſtir up againſt our Lord the King of "this Country, and to deſtroy the guards appointed for the "preſervation of the King's perſon." The overt-act ſtated was a conſpiracy to raiſe inſurrection and rebellion againſt the King, and to ſeize the guards appointed for the preſervation of his perſon; that, you ſee, Gentlemen, is as ſtrong an overt-act as can be ſtated; and if that overt-act had been Treaſon of itſelf, without conſidering it as connected with the Treaſon charged in compaſſing the King's death, ſo my Lord Chief Juſtice Pemberton in ſumming up the caſe to the Jury would have told them.

Now let us ſee what Lord Chief Juſtice Pemberton does tell them. The charge you ſee is compaſſing the King's death; the overt act is conſpiring to ſtir up rebellion againſt the perſon of the King, and to ſeize thoſe guards that were appointed for the preſervation of his perſon. Lord Chief Juſtice Pemberton in ſumming up to the Jury tells them, that the queſtion is not whether Lord Ruſſel did conſpire to ſeize theſe guards, and to ſtir up inſurrection and rebellion in the kingdom; he does not ſtate that that would be Treaſon, but he ſays—"The queſtion "before you will be, whether upon this whole matter, you do "believe that Lord Ruſſel had any deſign upon the King's life, "to deſtroy the King, or take away his life, for that is the "material part here; it is uſed and given you by the King's "Counſel as an evidence of this, that he did conſpire to raiſe "an inſurrection, and to cauſe a riſing of the people." The conſpiring to do that, you ſee, was left only as evidence to the Jury, from which they were to conclude, whether the priſoner embraced in that conſpiracy a deſign to bring the King to death, ſo that the overt-act is conſidered as evidence of the

Treaſon,

Treaſon, which Treaſon is compaſſing the King's death. He goes on—" That he did conſpire to raiſe an inſurrection, and " to cauſe a riſing of the people, to make as it were, a rebellion " within the nation, and to ſurprize the King's guards, which, " ſay they, can have no other end but to ſeize and deſtroy the " King," evidently ſhewing that if they did not think that was the end, it was not High Treaſon. And he adds—" And it is " a great evidence;" and I think it was a great evidence—" It is a great evidence, if my Lord Ruſſel did deſign to ſeize " the King's guards, and make an inſurrection in the kingdom, " of a deſign to ſurpriſe the King's perſon;" but it is only an evidence. Lord Chief Juſtice Pemberton puts it as an evidence to the Jury of his entertaining in his heart a deſign to bring the King to death; and if he had not that deſign, it evidently appears from the manner in which he puts this caſe, that in his judgment it was not High Treaſon.

" Upon the whole," he tells the Jury, " this matter is left " to you, if you believe the priſoner at the bar to have con- " ſpired the death of the King, and in order to that to have had " theſe conſults that the witneſſes ſpeak of, then you muſt find " him guilty of this Treaſon that is laid to his charge." So I ſay with reſpect to the gentleman that now ſtands at your bar, in the words of that venerable and learned Judge, my Lord Chief Juſtice Pemberton; if you ſhould believe, upon the evidence produced to you, that the priſoner at the bar did conſpire the death of the King, and in order to do that, in order to bring about the death of the King, that he had theſe conſults that the witneſſes have ſpoken to; then I ſay that you ought to find him guilty; I, his Counſel, ſay ſo; but I ſay likewiſe, armed with more than the authority of a Counſel, armed with the authority of a Judge, becauſe I ſpeak out of the mouth of a Judge, that if you do not find that he conſpired the death of the King; if you do not find that in order to bring about that deſign to kill the King he held theſe conſults which are proved in this caſe, then you muſt acquit him of this charge, and I ſay this, as I ſaid to you before, not with the authority of an Advocate, but with the authority of a Judge, becauſe I repeat to you the

words,

words of a moſt learned and reſpectable Judge, in a ſimilar caſe.

Gentlemen, ſo appears to me to be the law, under which the priſoner, at your bar, ſtands upon his trial: it will not be neceſſary for me to diſcuſs that nice point, whether, if you ſhall believe him to have been guilty of a conſpiracy to depoſe the King, it follows, as a matter of law, not of fact, that he is guilty of compaſſing the King's death; becauſe I defy any Jury, upon the evidence that has been produced, to find the gentleman at the bar guilty of conſpiring to depoſe the King; but thus much I muſt ſay, that when that point is brought, if ever it ſhall be brought, before the Court, I do verily think, if there are deciſions, which I do not know that there are, but if there are deciſions which ſtate it, as a concluſion of law, to be drawn by the Court, not an inference of fact for the Jury, that a conſpiracy to depoſe the King involves in it a compaſſing his death, the Court will then have to decide between the authority of thoſe deciſions and of the ſtatute itſelf; for I think it impoſſible to ſupport thoſe deciſions by the ſtatute.

My apprehenſion of the law upon the ſubject, I make no ſcruple to ſtate it preciſely, in this; that there are three things for the Jury, and one for the Court. The firſt queſtion for the Jury is, as I apprehend the law, whether the priſoner compaſſed the King's death. The ſecond is, whether, in point of fact, he committed the overt-acts that are laid in the indictment. The third is, whether theſe overt-acts had a tendency to the bringing about that Treaſon, which muſt be firſt charged, the compaſſing the King's death. Theſe appear to me to be the three conſiderations for the Jury, in all caſes of this ſort. There is a conſideration for the Court likewiſe: whether the overt-act, that is ſtated in the indictment as committed by the priſoner, with a view to bring about the death of the King, be ſuch an overt-act as ſatisfies the ſtatute; but after the ſtatute has, in point of fact, defined and ſtated what ſhall be Treaſon, and that there muſt be an overt-act committed, in proſecution of the Treaſon imputed to the priſoner; that ſeems to me to be the only thing which is left for the Court.

Having dwelt much longer than I intended upon this part of the case, and disposed of the law which arises out of it, I come now to the fact.

Gentlemen, the charge against the prisoner, upon the indictment, is, that he compassed the King's death; that he agreed that a Convention should be held, for the purpose of overturning the Government, and deposing the King, in order to effect that purpose of his against the life of the King; and I do not mean to conceal that there are other counts in the indictment, imputing to him a design of accomplishing the same end, not through the medium of a Convention, but by means of a general conspiracy. These are the charges in the indictment.

The Solicitor General, in opening this case to you, states—in terms what he attributes to the prisoner, and I am willing to meet him upon the charge as he states it, he says—"I attribute "to the prisoner a conspiracy to depose the King, and to do "this by his own force, or by the force of those employed by "him." Then laying indictment, and statute, and every thing else out of the case, the avowed charge against the prisoner is, that he conspired to depose the King, and that he meant to do this either by his own force, or by the force of those who might be under his controul, and whom he might direct; that is the object imputed to the prisoner by those who conduct this prosecution. We, on the other hand, say, that this never entered into the mind either of the prisoner at the bar, or of any of those who ever had any communication with him: we say that he had an object which he proclaimed to the world, which he communicated to his friends, whom in the hours of confidence he conversed with, and which, through the whole course of his life, he has uniformly and steadily pursued; that object we say was a Parliamentary Reform, and that a Parliamentary Reform was his real object, after the evidence that has been given in this case, it is impossible for any rational being, for a moment, to doubt.

The question is, whether Mr. Tooke has conspired to depose the King by force, to be used by himself, or by others, who were to be under his controul. The primary instrument fixed upon this indictment, and which they endeavoured to prove that

the

he meant to use for that purpose, was this Convention; the resolving, with others, to call this Convention, is stated as an overt-act committed by him, in the prosecution of his primary design, to depose the King, and, his ultimate design, to bring him to death.

Now, Gentlemen, let us examine, in the first place, the nature of this, which is considered as the overt-act, out of which, and other facts stated in the case, you are to connect this design of Mr. Tooke to depose the King, probably to set himself in his place, and likewise to do this by force. It is proved to you that, on the 18th of March, a letter was received by the Constitutional Society, of which Mr. Tooke was certainly a member, from the London Corresponding Society, proposing to the Constitutional Society that they should concur with them in certain objects. Now let us see what these objects were:—"Whether you concur with us in seeing the necessity of a speedy "Convention, for the purpose of obtaining, in a constitutional "and legal method, a redress of those grievances under which "we, at present, labour; and which can only be effectually re-"moved by a full and fair representation of the people of Great-"Britain;" and then there were certain resolutions added to this letter:—"That equal laws can never be expected but by a "full and fair representation of the people; to obtain which, in "the way pointed out by the Constitution, has been, and is, the "sole object of this Society;" and "that a Convention of the "People by Delegates, deputed for that purpose, from the dif-"ferent Societies of the Friends of Freedom, assembled in the "various parts of this nation, shall be called."

The Constitutional Society agree that it is fit to send an answer to this letter, which proposes to them pursuing a certain plan not in itself unlawful unquestionably, "a Reform in Par-"liament by legal and constitutional means." I hope there is nothing criminal in that; certainly there is nothing of High Treason; but then here is a sad conspiracy breaking out—they desire to confer—they are to confer by a Committee, and that Committee is to be composed of Delegates. On the 4th of April there is a letter from the Committee of the London Cor-

reſponding Society, acquainting this Society that they had appointed five perſons, who were to meet others, whom they hoped the Conſtitutional Society would appoint; and the Conſtitutional Society are to appoint a Committee of Conference with them, and then a great deal is to be preſumed from the circumſtance of this Committee meeting, and not the whole Society; but what would not be unlawful for the whole Society to do, would not be unlawful for a certain number of thoſe perſons to do: there is no more criminality in doing a thing by deputation, than doing it in their own proper perſons. So far there is nothing criminal. But the acts of theſe men, when they meet, are monſtrous and atrocious; there comes the overt-act of Treaſon; there is the Treaſon itſelf; there is that which ſhews clearly and irreſiſtibly, when diſcloſed, that this gentleman, who agreed that this Committee ſhould ſit, and who thought it would be fit that afterwards a Convention ſhould meet, that his object was firſt to depoſe the King, and, ultimately, to bring him to death.

Now what is it that this Committee do? Why, on the 11th of April, they receive communication that the Delegates from the two Societies had met; that they had reſolved that it was very deſirable that a General Meeting, or Convention of the Friends of Liberty ſhould be called, for the purpoſe of taking into conſideration the proper methods of obtaining a full and fair repreſentation of the people. So that a reſolution by five men from one Society, and ſix from another, that, in their opinion, it is a deſirable thing that there ſhould be a meeting, or Convention of the Friends of Liberty, not for the purpoſe of doing any thing, but for the purpoſe of taking into conſideration the proper methods of obtaining a full and fair repreſentation of the people, is to implicate not only the Delegates from the London Correſponding Society, and the Delegates from the Conſtitutional Society; not only the Secretaries of the two Societies, not only all who had any knowledge of theſe Committees, but likewiſe all the members of all the Societies, in a general conſpiracy to depoſe the King, and, ultimately, bring him to death. There is the hinge of the cauſe; this is the

overt-

overt-act upon which they rely, as ſhewing that Mr. Tooke, and thoſe others with whom he was concerned, had conſpired to depoſe the King, in the firſt inſtance, and, by means of that depoſition, to bring him to death.

But, Gentlemen, it does not end there; there is more of miſchief, more of conſpiracy, and more of Treaſon behind.—The Society of Conſtitutional Information, when theſe acts of the Delegates of the two Societies are brought before them, deliberate upon them; they read theſe reſolutions, they conſider what ſhall be done with them, nay, they had a debate upon them, and the debate is upon the word *Convention*; it was thought by ſome that the word Convention might give offence even to well deſigning, but ill judging, and weak minds; and therefore ſome were of opinion that it would be better to leave out the word Convention, and let the word *Meeting* only ſtand; others thought, and they thought rightly, that Meeting and Convention ſignified the ſame thing, and it did not ſignify whether it was called both, or either; however, upon the whole, they thought that if there were doubts upon the ſubject, it was better to omit the word Convention; and therefore the Latin word *Conventus* was omitted, and the Saxon word *Meeting*, which is now our Engliſh word, was ſuffered to ſtand. All theſe things were entered in the books of the Society, and a mark drawn round the words, "or Convention," in order to ſhew that as it was entered in the books of the Society the words "or Convention" were to ſtand, as containing an account of what was reported to the Society by the Committee of both Societies; but as containing an account of what the Conſtitutional Society agreed to, the words "or Convention," were to be omitted, and thus ends the whole myſtery of the words "or "Convention" being inſerted. But this is not all; there is ſomething behind; you know when there was Treaſon on foot, as activity was to be exerted, and meaſures were to be taken for overturning this Government, and for ſetting up anarchy in its ſtead, ſome force was required, and therefore they begun to muſter, and they appointed Prime Miniſters, they appointed a

Cabinet, they appointed a Committee of Co-operation of both Societies.

Now, Gentlemen, if you will please to look back to the resolution that was reported to the Society, you will see what the real object of this Committee of Co-operation must have been; they report, "That it is desirable that there should be a Meeting, or Convention, of the friends of liberty, for the purpose of taking into consideration the proper methods of obtaining a full and fair representation of the people;" and then here is a Committee of Co-operation appointed by the two Societies, for the purpose reported to be desirable, to be sure; for the purpose of considering what were the best measures; for the purpose of considering how that end, which was before reported in one of those resolutions to be desirable, should be carried into effect: this is the construction we give to it; this is the fair construction of the words; this is the fair construction, which I am instructed to say to you; every man who has had any communication with the Society did put upon it. But no, they say, this Committee of Co-operation was for the purpose of preparing to carry into effect that horrible conspiracy, which they had devised, of deposing the King.

Gentlemen, you cannot, I confess, find out what men's intentions are by their declarations before-hand; but, I think, there is no better way of judging of them than by seeing what their acts are after the resolutions are come to; a great deal, you see, rests upon the actions, exertion, and energy of this Committee of Co-operation. I think the purposes of the Committee of Co-operation are plainly pointed out by the preceding resolutions; but the gentlemen, on the other hand, say, that they are all a pretext, and that their object was to carry into effect, at least, the conspiracy to depose the King.

Now let us see what they did. They were appointed to meet on the 11th of April; the first man who was arrested in either of these Societies, Mr. Hardy, was arrested on the 12th of May; there passed, you see, more than a month, and yet this active, this powerful, this energetic body; this body that was to act for all the rest; this body that was to carry into execution

all the Treasons that were in the minds of the others, never did a single act, for more than a month from this time, when their meeting was appointed, to the time at which the first member of the Society was arrested. Why, Gentlemen, have you credulity for this? Have you faith to believe, that a Society, which appointed a Committee of Co-operation, who, according to the judgment of all, if there was any thing of Treason, was pursuing the measures by which that Treason was to be carried on, can you believe that that Society had Treason in its heart, when the Committee, appointed to carry it into execution, remained silent and inactive for more than a month, doing no thing, and, I verily believe, not knowing what it had to do?

Gentlemen, this, they say, may be true; this, we admit, was all that appeared to the public, but, although these people did certainly always hold out to the world, and hold out in their own resolutions, that their object was to obtain a Parliamentary Reform; although the resolutions of this Committee of Delegates, appointed as I have stated to you, reported that to be their object; although this Committee of Co-operation took care to do nothing for a month, yet there is a great deal more in this than meets the ear, they were long-headed men; and though, like Lord Burleigh, in the Critic, they are brought upon the stage, and stay there for a considerable time, and do nothing but sit in an arm-chair, and shake their heads, yet there is a great deal more in the matter than you suppose, and we will shew you that there is so; there is a great deal in that sitting inactive, for more than a month; there is a great deal more of activity than a man of only common sense can find out, and we will prove it; and I admit that they do endeavour to prove it; and I admit, likewise, that they endeavoured to prove it, by the only witnesses who, if it existed in fact, could prove it. If any man in this kingdom could prove the fact that they impute to Mr. Tooke, the witnesses whom they have called are the men, and the Attorney General acted with his usual honour in calling them; he thought it fit that the whole case should be communicated to the Jury, he knew as I know, he felt as I feel, and as you feel, that upon

the face of this there was nothing in it; he felt, likewise, that those who were concerned in the transaction must know what they meant—he felt that the crime here was in the meaning, and therefore he determined to bring before you those witnesses who were concerned in the transaction, who knew what their own meaning, and the meaning of those with whom they were concerned, was; and who would most unquestionably, when called by him, communicate the whole truth to you, and they have done so.

They call to you first the man, whom one may well consider as the certain repository of this great secret, the Secretary of that Society to which Mr. Tooke belongs, namely, Mr. Adams—one object that they have to make out, according to the law, as I have stated it to you, and according to the charge against the prisoner, as stated to you by the Solicitor General, is, that he meant to depose the King, and to do this by his own force, or by the force of some others who acted under him—some necessary part of their case was to shew, that they were prepared to assemble themselves in arms, and that they had provided themselves with all requisites necessary for furnishing out an army.

My learned friends knew money to be the sinews of war, and that nothing could be done without it—they therefore call the Secretary, the banker of this Society, Mr. Adams, and he is questioned as to what those funds are, by which the expence of this armament was to be defrayed; he tells you, that the whole revenue of his Society was sixty guineas a year, that the ordinary expences were fifty guineas; so that there remained, after all expences were paid, after all the officers of state were satisfied for their salaries; after the expence of candles, and all expences of that sort were discharged, there remained a surplus of ten guineas, towards overturning the Government of this Country, and providing an army, whereby it might be overturned; a great deal of money, to be sure, but, they had not even the whole of this ten guineas, for, upon the cross-examination of the Secretary, he says, that though the expences of the Society were only fifty guineas, and their revenue sixty, yet he generally was

obliged

obliged to be in advance, so that it could be only by issuing letters of credit, by issuing bank-bills from the Society, that they could pay their troops out of these ten guineas; for you see, the Secretary, being in advance, the ten guineas were not forthcoming.

It will be said, perhaps, that this was, to be sure, all the money which they had in the Constitutional Society, but there were other Societies that had more; that the Constitutional Society was not the Society relied upon—but, we all remember, that the Constitutional Society is the Society held up to the world, as possessing those funds from which the other Societies were to draw—all these unknown traitors that are stated upon the record—all these men into whose acts the Attorney General, and the Solicitor General, in their evidence, have gone so largely: they were all poor dogs, these were the rich men, these the people who were to support them—these were the bank holders, these were the men in the possession of that which alone can support any thing of force in this Country, and therefore, I never can be told, that if there was not money here, there was money any where else; for, if this great national fund failed, there was nothing, and then they were to go to war without money, and I think, it appears, without men, for there has not been any proof in the cause, that a single individual had been spoken to, who, for love, was to undertake this cause; therefore, there is not any proof, in the cause, either that any force was secured, for the purpose of undertaking the conspiracy which they say was in agitation; and there is no money in the pocket, by which those who might hereafter be induced to undertake it, were likely to be brought to it. So much for the funds of this Society.

Scotland, you know, is a cheap country, and my learned friend knows that it is, he assents to it: a man can live in Scotland a great deal cheaper than he can in England; and a great deal of money would not be necessary to support him during his residence there; and yet, so poor was this rich Society, so destitute was this fountain from which all the other Societies were to draw, that they could not find money enough even to support a Delegate, whom it was in contemplation to send to the Convention at Edinburgh; for, when a parcel of individuals had elected

one

one Yorke as a Delegate to the British Convention, at Edinburgh, the whole Society could not raise money enough to support him in that cheap country, and therefore he refused to go.

But, Gentlemen, there may be arms to be put immediately into the hands of all the members of all those Societies, there may be a preparation to arm them against the Government, on a sudden; and the prosecutors will say, though in the course of the business of this conspiracy for a Convention, they have not proved any thing that goes directly to implicate the prisoner from the proceedings, as they appear from the books; yet the Secretary, this man who is in their secrets, but would be able to prove to you, probably, not only what their objects were, but likewise what means they had for accomplishing these objects. If there was any preparation for arms—any muskets—any pikes—any hand-knives prepared, for the purpose of carrying this great design into execution; he knows it, and he will tell you of it—he is questioned to that; I forget whether the gentleman on the other side, or we, asked him, but he was asked, whether he had ever heard, during his continuance in this Society, from the time he entered into it till he left it, during his attendance on any Committees, in his conversation with any member, whether he had ever heard a single mention made of any arms which were to be put into the hands of any of those Societies, or of any force which any of them were to use; and he tells you, in direct terms, that he never heard any thing of such a matter; that he never had any suspicion of it; that he was constantly present at all their meetings; that never a hint was given from any individual in any of the Societies, of any such intention—that communicating with the members, and that Societies themselves, he never heard from any one of them a hint dropped to this purpose—that, being intimately connected with Mr. Thelwall, he knows, as he believes, his secret thoughts; he was connected with him in such a way, that, if he had any secret thoughts on this point, which it was not his intention to have communicated, it is hardly possible that, at some unguarded hour, they should not have burst forth; he tells you he never heard, believed, or suspected, or had

reason

reason to think, that any other person knew, believed, or suspected, that there was a design in the Society, or in any individual member of the Society, or in any other person connected with them, ever to act with force against this Government, much less to prepare themselves with sufficient force, for the purpose of acting personally against it.

But, Gentlemen, there might be another thing; there might be another ingredient in this cause, which would serve it, I think, better than any other that they have attempted to have recourse to—there might have been a Secret Committee, and if they could have established to you, that there had been a Secret Committee in this Society, then it would have been argued, with great strength of reasoning, that this Secret Committee concealed from all the world, all that it intended, and all that it did; but even that argument is shut out from this case, for, when Adams was asked, whether they ever had a Secret Committee in this Society, he says, No, we never had any such thing, all our proceedings were open and public; nothing was done that all the Society did not know; nothing was done that we had any objection to all the world knowing, the greatest part of it we have published in the newspapers, and we had no objection to its being there published—so much for the Secret Committee.

Then there was a Committee of Correspondence; I admit that fact stands against us; there existed in this Society a Committee of Correspondence—what sort of a Committee of Correspondence? A Committee of Correspondence that rarely or ever corresponded, and that was the subject of the constant ridicule of the gentleman who stands at the bar, because their name accorded so ill with their employment. Well, but then they say, however little we have proved, you hold out to the world, that your object was a Parliamentary Reform, and we are come to this issue, whether that was your real object, or whether it was a mere pretext, and we will shew that a Parliamentary Reform was not your real object, and then they would infer, not justly I think, but they would infer from thence, that because a Parliamentary Reform, which we held out to be our real object, was not so, but a mere pretext, therefore we are conspirators against

the

the Government. I do not care if you come to that concluſion; I do not care if you fall in with the argument, that if a Parliamentary Reform was a mere pretext, we are conſpirators againſt the Government; not that you will ſuppoſe I mean to admit they have proved any thing like that, but I will ſhew, if it be neceſſary, that a Parliamentary Reform was the real and ſincere object of the gentleman at the bar, and of all thoſe with whom he acted, at leaſt as far as their intent can be known; that he had no other object, and that it was not a pretext.

I ſaid, Gentlemen, that I would ſhew this, if it were neceſſary, but it is not neceſſary, becauſe the proſecutor has ſhewn it for me; for he, in calling thoſe men who he knew were all acquainted with the objects of the Society, put the cauſe on the iſſue of their teſtimony, they were queſtioned, "Do you know "what were the real objects of this Society?" Adams, who was their Secretary, was queſtioned to that point, and he tells you in terms that, from all that he ever ſaw, from all the converſation that he ever had with any of thoſe people, he verily believes that their real object was Parliamentary Reform, and that a Reform was not a pretext; he ſays, that all his converſation with Mr. Tooke (it was not neceſſary to queſtion him ſo particularly as to the others) tended that way, and had that ſole end. And being aſked about ſome expreſſions of what great end that was towards which they were to co-operate, which was mentioned in ſome of the reſolutions, and upon which it ſeemed that ſtreſs was laid, he tells you, that the great end was a Parliamentary Reform—then they have failed in every part of their caſe where they ought to have been the ſtrongeſt. They call Mr. Adams the Secretary of the Society, who muſt have known, not only the acts, but the intent of the Society; and he expreſsly negatives theſe two material parts of their caſe, which they have inſiſted upon, that Parliamentary Reform was a mere pretext; that their object was to overturn the Government and depoſe the King; and, that their intention was to employ force for the purpoſe of doing this.

But, Gentlemen, Mr. Adams is not the only witneſs upon this ſubject: it was a main object with them to ſhew, that

here

here was a wicked wide-ſpreading conſpiracy againſt the Government; that it was not confined to theſe Committees; that it was not confined to theſe Societies in town, but that all the country Societies were connected with it; and for that purpoſe they have produced, I know not what—Letters and Addreſſes from country Societies; ſome received in London; ſome, I believe, for the purpoſe of ſhewing that theſe perſons at Sheffield, Norwich, and other places, were connected with Mr. Tooke, and were conſpirators with him for this great end. The indictment ſtates, that Mr. Tooke and the others conſpired with thoſe who are named in the indictment, and with other perſons unknown (theſe Sheffield people, therefore, and the reſt, are thoſe unknown conſpirators.) And it was a ſtep, in this caſe, to prove that the people at Sheffield had theſe views; from whence it was to be inferred, that if they, being conſpirators with Mr. Tooke, had thoſe views which are imputed to Mr. Tooke, Mr. Tooke had them; and accordingly they call a witneſs, from Sheffield, a Mr. Broomhead, the ſecretary to the Society at Sheffield.

Gentlemen, the ſame obſervations occur upon his evidence as to the Sheffield Society, which occur upon Adams's as to the London Society.—He is queſtioned as to what the real objects of the Society at Sheffield were; he, the witneſs for the Crown, who was to prove that the Sheffield people were conſpirators with Mr. Tooke and the others to overturn the Government, he tells you the real object of theſe people at Sheffield was a Reform in the Houſe of Commons, and no other; that they had not the ſmalleſt notion either of attacking the perſon, authority, or character of the King; of attacking royalty itſelf, or of attacking the nobility of this country; that their complaint was againſt the Houſe of Commons; that they believed the Conſtitution was endangered by that corruption which they thought exiſted in the Houſe of Commons; they thought the remedy of that evil was a Reform in the Houſe of Commons; that they looked to a Reform in the Houſe of Commons, and in no other place, and that this was the ſole object of their Society; that with reſpect to producing even that Reform by

force,

force, no idea of the ſort ever entered into his mind, or into the mind of any of thoſe people whom he knew at Sheffield; that if he had believed ſuch a deſign had exiſted in the mind of any man whom he was concerned with, he would have immediately quitted the Society; that he loves the King; that he is attached to the Conſtitution; that he believes it a good Conſtitution; that he believes it the beſt that does or can exiſt in its nature, but thinking that there are defects in all human inſtitutions, and in a particular branch of this, namely, in the Houſe of Commons; he believes that by a Reformation in that branch it would come nearer to that ſtate of perfection, to which he ſtill thinks it approaches nearer than any other Government under the ſun. This is the evidence of Broomhead; who was called by the Attorney General for no other purpoſe than to ſhew that theſe people at Sheffield, who are ſtated to be conſpirators with thoſe at London, and Mr. Tooke among the reſt, had the ſame views with thoſe at London. Look at the evidence, and then ſay, whether there be criminality in having the ſame views;—the views are Parliamentary Reform, the means of attaining it peaceable and quiet.

But having failed in Mr. Broomhead, they call Mr. Widdiſon. Now, Mr. Widdiſon is a witneſs who is preſented to you certainly under circumſtances that are not likely to render him peculiarly favourable to the cauſe of the Sheffield people; and he was produced to ſhew the Sheffield people were conſpirators, and had the ſame objects with Mr. Tooke. He tells you, he had been of opinion formerly, as the other Sheffield people had, that Annual Parliaments and Univerſal Suffrage were the beſt remedy that could be applied to that which they believed an exiſting evil in the Conſtitution; upon further reflection he altered that opinion; he thought that Univerſal Suffrage was going too far; he thought that the privilege of electing members of Parliament would, by the introduction of Univerſal Suffrage, be committed to ſome men who were not fit to have ſuch a truſt repoſed in them: therefore he differed from the reſt of his Society, and withdrew himſelf from them. Now, with this difference of opinion, and having withdrawn himſelf from them,

you

you may suppose he does not give his evidence with any prejudice towards the Society which he had quitted, because he differed from them.

What does he say?—He is perfectly sure that the object of the Society was sincere and unfeigned; that their real object was Reform; that they had no other object; that they acted upon the Duke of Richmond's plan; that they wished to carry that plan into execution; that he at one time wished the same thing, but he has altered his opinion; that they were all attached to the Constitution; that they loved the King. But then it is supposed that this witness from Sheffield will be able to prove that the objects of the Society, such as they were, were to be effected by force; and then, if it can be fixed upon the Sheffield people, who were conspirators with Mr. Tooke and the rest, that their design at Sheffield was to carry their objects into execution by force, Mr. Tooke's guilt is to be inferred from theirs.

Now, what does Widdison prove upon the subject of arms? and this is the only evidence in the case by which it is attempted to be proved, that there was any thing like a preparation of offensive weapons for the purpose of carrying this great plan into execution. That they thought it necessary to give some evidence of this sort, appears from their asking the question; and, from their not giving any other evidence than that which Widdison does give, I am fairly justified in concluding, that they had no better evidence to produce. He does admit, certainly, that a dozen of pike-shafts were ordered from him by one Davison; but he says, in answer to a question put to him by the prosecutor, that they were ordered for their own defence; that they had not the least idea of ever using them against the Government; that such a notion never entered into their minds; Ordered for their own defence!—How could they be for their own defence? Why he tells you, there were two parties at Sheffield; that he was of one party, others of another: he tells you that acts of personal violence had been offered to them; that their houses had been beset; that they were threatened with force; and that those persons who called themselves Aristocrats

had

had ſaid, in terms, that if an invaſion happened, they (the Ariſtocrats) would fall firſt upon Daviſon's party; and therefore this party thought it prudent, when ſuch threats were thrown out againſt them, and this turbulent conduct purſued towards them, to prepare ſome means of defence: and upon the evidence it appears to you there were a dozen of pike-ſhafts ordered from this man by Daviſon; who tells you, that at the ſame time Daviſon ordered them, he told them they were for this purpoſe.

Gentlemen, if the purpoſe of theſe pike-ſhafts had *not* been explained, in a caſe of this ſort, where it lies upon the proſecutor to give ſome reaſonable evidence to convince you that force was prepared, with which theſe conſpirators were to act, an order for twelve pikes would amount to nothing; but when it ſtands explained, not as I explained it, but the witneſs has explained it, even if there were ten thouſand inſtead of twelve, it becomes totally irrelavant, becauſe the proſecutors prove, by their own witneſſes, that the preparing theſe pikes was for a perfectly different purpoſe.

But, Gentlemen, unfortunate as the proſecutors have been in calling to you thoſe witneſſes, who, one ſhould have ſuppoſed, muſt have known, if there had been a conſpiracy in London, that it did exiſt—who, one ſhould have ſuppoſed, muſt have known, if there was a conſpiracy at Sheffield, that it did exiſt; unfortunate as they have been in the examination of theſe three firſt witneſſes, they ſtill think they have a ſtrong man behind, and therefore they call him laſt, in order to leave an impreſſion upon your minds—very judicious moſt unqueſtionably—therefore, the laſt witneſs they call is Mr. William Sharpe. The ſelection was certainly judicious; becauſe they muſt have hoped to prove by him all that, which, if it exiſted, he muſt know. Conſider who Mr. Sharpe is: he is a member of the Conſtitutional Society; in that character he muſt have known a great deal of the proceedings of that Society: he was a member of the Committee of Conference; in that character he muſt have known all that paſſed at the meeting of the Delegates from the two Societies: he was a member of the Committee of Co-

operation;

operation; in that character he must have known all that had passed in that Committee, which was to carry into execution—which was to be the immediate agent for perfecting the treasonable purposes which existed in the minds of the rest; not only of perfecting the treasonable purposes, but he is stated in the indictment to be one of those with whom Mr. Tooke and the others conspired to bring about the deposition of the King. Now, Mr. Sharpe must know, filling all these characters himself, whether he did so conspire or not; he is, therefore, called to you, and he is examined as to Mr. Tooke's principles.

The first thing that comes from him is this—that Mr. Tooke had often declared, that he would rather be governed by St. James's than St. Giles's. Now, if there be any truth in the case that is endeavoured to be set up by the prosecutor, I should like to know who Mr. Tooke was likely to be governed by, if this conspiracy had taken effect, except by Saint Giles's. It is not pretended, as has existed in most cases of conspiracies to overturn the Government, that there was a prince laying claim to the throne, whom this party that conspired against the present Government was to introduce; the end of Mr. Tooke is not stated to you; his object is merely stated to be to overturn the present Government; then, if his object was to overturn the present Government, and let every thing go to confusion, that Government, which Mr. Sharpe says he reprobated, must be introduced and substituted in the place of the Government of Saint James's. He says Mr. Tooke and he had frequent communication together upon the subject of the Constitution of this Country; he tells you that Mr. Tooke always spoke of the Constitution with regard and reverence; he always expressed himself attached to the King and the Lords, with that firm, steady, inflexible character, which is proved to belong to him and his opinions; he always spoke with detestation of what he thought corruption in the House of Commons, and always declared his firm resolution to contribute all that lay in his power to correct that abuse.

Gentlemen, the question put to you is, whether these declarations, of his object being a Parliamentary Reform, were

 real,

real, or were merely a pretext; and whether, inſtead of purſuing a Parliamentary Reform, Mr. Tooke was really purſuing a plan, the object of which was—firſt to depoſe the King, and then to deſtroy him. Who is likely to know whether he entertains ſuch objects or not? Is any one more likely to know it than the gentlemen whom the Crown have called?—A man, connected with him in the Society in which it is ſtated that he entertained and diſſeminated this doctrine—a man, put in the place of a Delegate, and who was not only connected with the Society, but intimately acquainted with Mr. Tooke; not only viſited him at his houſe, but was in his confidence; and this man is queſtioned over and over again whether he believes this to be a pretext in Mr. Tooke, or whether he believes it his real object; he tells you, as often as the queſtion is aſked him, that he does believe it to have been Mr. Tooke's real and unfeigned object to reform the Commons Houſe of Parliament; that his conſtant profeſſions went that way, and no other; that neither in the Society nor out of the Society, by Mr. Tooke, or by any other perſons connected with the Society, was force againſt the preſent Government ever thought of; and that if it had, neither he nor Mr. Tooke would ever have remained members of the Society.

Then what becomes of this charge againſt Mr. Tooke, ſo diſproved by thoſe witneſſes who are called to prove it? The written evidence does not prove it. The conduct of theſe Committees, as it appears ſtated in the reſolutions, proves merely an intention that there ſhould be a Convention; and, in order to ſupply that defect—in order to ſhew that their objects were different from what they profeſſed, and that this was a mere pretext; in order to ſhew, as the Solicitor General expreſſed it, that though Monarchy was upon their lips, it was the fartheſt from their hearts. In order to ſhew all this, they call Mr. Adams, the ſecretary; they call Mr. Sharpe, a member of the Society, a member of the Committee of Conference, a member of the Committee of Correſpondence, a member of the Committee of Co-operation, to ſhew that they had other and different objects; they call Broomhead and Daviſon, from Sheffield,

field, to ſhew that the Sheffield people, charged to have conſpired with them, had other and different objects; and yet all theſe witneſſes, called in this way by the Crown to ſupport their caſe—called to ſupport it in that in which it had failed before, namely, to prove that a Parliamentary Reform was a mere pretext, and that the real object was to overturn the Government and depoſe the King by force. All theſe witneſſes were queſtioned whether it was a pretext; whether Reform was or was not their real object; whether they had any deſign to act by force in any caſe; whether they had an affection for the King; whether they were diſſatisfied with the Government at large; whether it was the Conſtitution, or only the corruption of it in the Houſe of Commons, that they diſliked: they all concur in telling you, that Reform was the real and unfeigned object of them all; that it was not a pretext; that there was no deſign in any of them, or in any of thoſe whom they knew, either to attack the Government, or to uſe any force againſt it; that they reverenced and reſpected the King; that they reverenced and reſpected the Nobility of this Country; that their complaint was only againſt the Houſe of Commons; that they believed corruption to exiſt in that Houſe; that that corruption was the cauſe of the evils which they complained of; and that they would, as they had done, ſteadily, firmly, and uniformly purſue that which they believed would find the remedy for all their complaints, a Reformation in the Commons Houſe of Parliament. It is no light conſideration in this caſe, that the character given to Mr. Tooke, by all the witneſſes, is that of a man adhering to his opinions firmly, ſteadily, and inflexibly.

Gentlemen, you will recollect that a declaration of Mr. Tooke, ſpeaking upon political ſubjects, has been proved, that he verily believed that if there was any tumult in this Country he ſhould be the firſt victim. I will tell you why he believed that: he has purſued his object of a Parliamentary Reform with firmneſs and with ſteadineſs—nothing has called him aſide from it; he has purſued it through one plain path; the conſequence is, that he has been connected, in various parts of his life, with all thoſe who have at any time had the ſame object in their

view with him; that moſt of his friends have changed their opinions with the times, but that he has been inflexible in his. Hence it is, that he has no political ſet of friends who are conſtantly attached to him; becauſe he has attached himſelf to no party, but has attached himſelf to the firm and invariable purſuit of that which he believed would be a real good if brought about, namely, a certain mode of Reform in the Commons Houſe of Parliament.

With this witneſs, Mr. Sharpe, the evidence for the Crown cloſed; and, as far as it applies to that overt act in the indictment which ſtates the calling a Convention (or rather, I believe, I ſhould ſay, to the five or ſix overt acts, which are all connected with the calling of a Convention), the facts that are proved are merely theſe—That certain Committees did meet, and take certain ſteps towards calling a Convention, for the purpoſe of producing a full and fair repreſentation of the people. Theſe are the facts that are proved, and from them you are deſired to infer, that the object of this Convention was, to depoſe the King. For the purpoſe of doing that, I have obſerved to you that they have called thoſe witneſſes, who muſt know what the object was—who muſt know whether this colour was to be given to their acts or not; inſtead of proving it, they have diſproved abſolutely every thing that is neceſſary towards the proof of it; for they have diſproved any intent of proceeding with force; they have diſproved any preparation of arms; they have diſproved any intention, in any of the members of the Society, to overturn the Government; and they have likewiſe proved affirmatively that the real object of theſe people was that which they held out—not to depoſe the King, but to obtain a Reform in the Commons Houſe of Parliament. So ſtands the caſe, as endeavoured to be proved on the part of the proſecutor againſt the gentleman at the bar; that caſe which charges him with a conſpiracy to call a Convention, for the purpoſe of overturning the Government and depoſing the King, which muſt be by force; and ſo it is ſtated by the Attorney General.—Theſe are the proofs which they give you of that fact.

Gentlemen,

Gentlemen, they feel that this wont do; and they ſay, though this does not prove it—though theſe witneſſes (who, if the deſign had exiſted, muſt have known it) have ſworn that no ſuch deſign did exiſt; though they have ſworn, on the contrary, that a deſign perfectly inconſiſtent with this was the real object of all theſe people, namely, a Parliamentary Reform; though, therefore, the witneſſes for the Crown have, as far as a negative can be proved, actually diſproved the caſe which the proſecutors ought to prove; yet they ſay there are other circumſtances in the caſe which either point this act of conſulting to call a Convention to the purpoſe of depoſing the King, or, if they do not make that out, they ſhew that there was a general conſpiracy entertained, in which Mr. Tooke was concerned—a general conſpiracy to overturn the Government of this Country and to depoſe the King. Surely, rather too general a ſtatement, and too general an accuſation!

In order to make out this part of their caſe, they read a multitude of papers; ſome found in the Conſtitutional Society, and ſome in the Correſponding Society, reſolutions, addreſſes—none of which we have had any means of obtaining acceſs to; for even the book of the Conſtitutional Society was ſeized, and has remained in the hands of the proſecutor, from the time it was taken out of the cuſtody of Mr. Adams—we have no means of comparing one entry with another—we have even been denied an examination of the book, I do not mean in Court, for there it cannot be denied us; but while we are going on with the reſt of the evidence it was impoſſible for us to be looking at that which was not applicable to the point in queſtion. With all theſe papers we are now overwhelmed, for the purpoſe of proving againſt us that there was a general conſpiracy in the Kingdom, to overturn the Government and depoſe the King, and that Mr. Tooke, the gentleman at the bar, acted in this conſpiracy—papers that took thirty hours to read in the Court, and by which our attention was diſtracted and confounded—papers which it is utterly impoſſible for me to obſerve upon to you, becauſe no human ſtrength could be equal to it; ſome of them, in their nature, ſuch as could never have come to the

knowledge of Mr. Tooke, and ſome might or might not have come to his knowledge; for you recollect the way in which Mr. Adams gave an account of keeping the books, and the entries of the names, and how often it happened that men whoſe names appear in the books really were not preſent; becauſe if they attended at dinner their names were put down, and ſtill remain in the books, though they did not attend the meeting; to ſeparate them is impoſſible for any man—to obſerve upon them is impoſſible, in the maſs and chaos in which they have been produced. I appeal to your own obſervation, whether, after all the experience that they have had—after all the care that has been taken to ſelect and arrange them—after one trial has been gone through as well as it could be—I appeal to your own obſervation, whether there has not been infinite difficulty, even on the part of thoſe who conduct this proſecution, in arranging, aſſorting, and determining what they ſhould produce; and yet you will recollect that my two learned friends, the Attorney General and the Solicitor General, have had this buſineſs before them more than half a year—that they attended all theſe examinations before the Privy Council—that there was not a paper in all theſe boxes and bags that they have not read over and over again—that we had not an opportunity of arranging and obſerving how they bore upon the queſtion; what paper produced might affect the priſoner; what paper not produced might explain that which was produced—we have had no ſuch opportunity, and yet this monſtrous quantity of papers is produced here, which they ſcarcely know how to arrange as they are produced, and which they certainly did produce in no ſort of arrangement, for they were not produced chronologically—they were not produced as one bore upon another; and from this maſs of paper you are deſired to infer, that there exiſted a conſpiracy in this Country to overturn the Government and depoſe the King, and that Mr. Tooke was an actor in this conſpiracy:—that is too much to call upon any man to defend another againſt. Many of theſe papers that have been read give great offence; many are very improper—are ſuch as reaſonable and thinking men would certainly diſapprove of; but they are not

overt-acts of High Treaſon. If there had been any one of theſe papers that could be relied upon as an overt-act of High Treaſon, it would have been ſo relied upon, and would have been ſtated as a ſubſtantive overt-act. There is no one of thoſe papers that has been produced which can by any poſſibility, with the evidence tacked to it, that is alſo produced in this caſe, amount to an overt-act of Treaſon.

Gentlemen, let me call you back for a moment to a conſideration of what the queſtion is that you are trying. You are trying whether Mr. Tooke has compaſſed the King's death; you are trying whether he committed any of the overt-acts ſtated in the indictment, with a view firſt to depoſe the King, and ultimately to compaſs his death; and I affirm that there is none of that maſs of paper that has been produced againſt him, that can be conſidered as an overt-act of that Treaſon. I ſhall add likewiſe, what my learned friend argued ſo ably, and ſupported his argument from Lord Strafford's caſe, that if no one of theſe papers produced is an act of High Treaſon, they cannot, taken all together, amount to High Treaſon. There is no ſuch thing in this Country as cumulative Treaſon, there muſt be a compaſſing the King's death, and there muſt be a preciſe, diſtinct act ſtated, and proved to have been done by the priſoner in the proſecution of that deſign conceived by him againſt the King's life.

The addreſſes to the French were all before the war, and they are not acts of High Treaſon. If they had been relied upon as High Treaſon, it would have been differently ſtated in the indictment. The charge againſt this gentleman would have been not for compaſſing the King's death, but for adhering to the King's enemies; but the French were not the King's enemies at the time he had any communication with them, and communication, therefore, with them was lawful, and ſo were the ſubſcriptions to aſſiſt them; he might lawfully ſubſcribe to aſſiſt them. In his judgment the reformation they produced in their Government, compared with its former ſtate, was a good one; he wiſhed the Government which ſubſiſted in France at the time he ſent theſe ſubſcriptions, to be ſupported; he had a

right to ſend theſe ſubſcriptions, and as Mr. Erſkine ſtated truly, if peace was to be made to-morrow, the next day theſe ſubſcriptions, and theſe addreſſes, might be repeated, and repeated lawfully.

But a great deal has been ſaid of the Scotch Convention; it is inſiſted that the ſending Delegates to the Scotch Convention was an act of High Treaſon, and that the conſpiring to ſend members to another Convention which they ſay was to partake of the nature of the Scotch Convention, was of courſe in itſelf an act of High Treaſon.

Let us ſee, in the firſt place, how that ſtands in point of fact. There was a meeting in the Conſtitutional Society to conſider of ſending Delegates to the Scotch Convention; there was an extraordinary meeting held for that purpoſe; Mr. Tooke was deſired to attend that meeting; he would not attend; two of the members called on him, and converſed with him upon the ſubject; he told them he diſapproved of the object, that he thought it a fooliſh thing to ſend members to a Scotch Convention. It is not neceſſary for me to enter into the grounds of his objection, but he was an enemy to the object, and he was not preſent at that extraordinary meeting, which appears to have been a ſort of ſmuggled meeting of the Society, when they determined to ſend theſe members to the Scotch Convention. Then if Mr. Tooke, who was a member of the Conſtitutional Society, was not preſent at the meeting when theſe Delegates were ſent; and ſo far from being preſent, diſapproved of the meaſure, and uniformly in converſation, which has been proved in various parts of the caſe, expreſſed his diſapprobation of it; ſtated that he was an enemy to that meaſure. Surely it will be too much to fix him with any part of the proceedings of the Scotch Convention upon that ground. But there is another part of the buſineſs upon which they endeavour to fix him, Yorke was propoſed as a Delegate, and he declined becauſe they had no money to ſupport his expences. Sinclair afterwards was choſen, and he went; it ſtands admitted Mr. Tooke had nothing to do with ſending him there, for that which is proved by the witneſſes for the Crown, and confirmed by others, cannot but

be taken as a fact. It appears too that Mr. Tooke equally diſapproved of any being ſent there; but after Sinclair had been ſent to the Scotch Convention; after he had ſat in the Scotch Convention; after the Scotch Convention had been diſperſed, and Sinclair had been proſecuted for a miſdemeanor as a member of that Convention, and had a puniſhment inflicted upon him, I ſay nothing upon the judgment itſelf. I reflect not upon the Court, it is not my buſineſs to reflect upon it, but I only ſay that a puniſhment had been inflicted upon Sinclair———'

Mr. Tooke. The Lord Advocate withdrew the record, and he was not tried.

Mr. Gibbs. Was he then under proſecution?

Mr. Tooke. I believe he was.

Mr. Gibbs. Gentlemen, I certainly ſtand rightly corrected, and am much obliged to the accuracy of the gentleman at the bar for correcting me; Sinclair had not a judgment pronounced againſt him; but it is imputed to Mr. Tooke that Sinclair, when in diſtreſs, was aſſiſted by him; he being in very great diſtreſs, Mr. Tooke, I admit, did write a circular letter, petitioning for a ſubſcription for Mr. Sinclair, although he had highly diſapproved of his being ſent as a Delegate to the Convention in Scotland; and becauſe he has thrown paſſages into that letter, the only object of which was to excite the compaſſion of thoſe among whom the letter was publiſhed, to make them draw their purſe ſtrings; from thence it is endeavoured to implicate Mr. Tooke in every thing done in the Scotch Convention, although he actually diſapproved of its ſitting, and diſapproved of a Delegate being ſent.

But I do not ſtop there, I will ſuppoſe that Mr. Tooke, inſtead of abſenting himſelf when Mr. Sinclair was choſen as a Delegate, had been preſent; I will ſuppoſe that inſtead of diſſenting from ſending Delegates to Scotland, he had aſſented to it; I will ſuppoſe that inſtead of voting that another man might be ſent to Scotland as a Delegate, he had been ſent there himſelf. I inſiſt that nothing that has been done in Scotland amounted to an act of High Treaſon; and I ſay here, as I ſaid on the laſt trial for Mr. Hardy, I inſiſt that I have the higheſt

authority

authority for aſſerting that nothing that was done in Scotland amounted to High Treaſon, becauſe thoſe who were actors in that ſcene; thoſe who were Delegates there; thoſe who ſat in that Convention; thoſe who paſſed the reſolutions which are now conſidered as the moſt criminal, were themſelves in that Country, and, no doubt, by the advice of the great officers of the Crown, proſecuted, not for High Treaſon, but for a miſdemeanor.

I have, therefore, the authority of thoſe who proſecuted them for ſaying that the acts of the Scotch Convention were not High Treaſon. I have the authority of the Judges who tried them for ſaying the ſame thing, becauſe if thoſe Judges had thought that the acts committed by thoſe perſons were High Treaſon, it would have been their duty not to have ſuffered them to be convicted of a miſdemeanor, but to have told the Jury that the nature of their crime had been miſtaken, that though indicted for a miſdemeanor, in fact, their crime amounted to High Treaſon; that they muſt be acquitted, therefore, of the charge brought againſt them, but that they muſt be indicted again upon the other. Therefore, take it either way—either that he was or was not cognizant of thoſe acts that paſſed in Scotland, I inſiſt that the acts in Scotland were not High Treaſon. Very improper reſolutions I admit paſſed there; reſolutions which talk of reſiſting certain laws when they may be paſſed, and yet what reſiſtance; they ſay they will not regard any Act of Parliament for diſperſing the Convention, until they ſhall be removed by a ſuperior force—What is their conduct upon that? I do not remember whether the letter of Margarot was given in evidence, it was upon the laſt trial; but, as well as I recollect, the way in which they were diſperſed at laſt was this: the Sheriff attends, the preſident ſits in the chair, he ſays I hold what I am doing to be legal, you ſay it is unlawful; I will, therefore, never give you, out of my own mouth, an admiſſion that I think you may legally diſperſe us; I think you cannot; I deſire, therefore, that ſome force may be uſed, upon which the Sheriff takes him by the hand, and leads him out of the chair. Now that explains the reſolution that they would not obey ſuch an

act

act till they were removed by force. This ſhews what ſort of force they expected; they will not admit that there exiſts a right in the magiſtrates of the Country to diſperſe them, but the magiſtrates come to diſperſe them, they do not reſiſt by violence, they only wiſh to bring it to that iſſue that you ſhall take upon yourſelves the legality of the act, and if you do diſperſe us, you ſhall diſperſe us by that which we call force. But I care not what conſtruction you put upon the act; put what conſtruction you will upon it, it is not High Treaſon; and in ſupport of that aſſertion, I will refer the Court to a caſe, the authority of which has never been diſputed, the law laid down by Lord Chief Juſtice Holt on the trial of Sir John Frend; he ſtates there, in preciſe terms, what ſort of war that is, a conſpiring to levy which is High Treaſon, and what ſort of inſurrection that is, a conſpiring to raiſe which is High Treaſon.

It was inſiſted by Sir John Frend that a mere conſpiracy to levy war, did not prove the compaſſing of the King's death, and, therefore, was not Treaſon. Lord Chief Juſtice Holt ſays, "The ſtatute has been read, but, ſays Sir John Frend, "there is no war actually levied, only a bare conſpiring or "deſign to levy war, which does not come within the idea of "rebellion; but if the conſpiracy be either to kill the King, or "depoſe him, and there is a conſultation or conſpiracy to levy "war for that purpoſe, it is High Treaſon." Speaking afterwards of inſurrections, he ſays—"If perſons do aſſemble themſelves, and act with force in oppoſition to ſome law which "they think inconvenient, hoping thereby to get it repealed, "this is levying of war and Treaſon, but the purpoſing and "deſigning to do it, is not ſo." Then ſuppoſe a law actually to exiſt which a man, or any body of men, think inconvenient to themſelves, if they take up arms, if they raiſe an inſurrection for the purpoſe of oppoſing that exiſting law, that is High Treaſon, that is levying war againſt the King; but if they merely propoſe to do ſo; if they merely conſult how they may raiſe an inſurrection to oppoſe an exiſting law, that, according to the doctrine of this caſe, which never has been ſhaken, and

which

which is adopted by Mr. Juſtice Foſter, in his book, that is not High Treaſon. Going on, he ſays, " When men endeavour " in great numbers, with force, to make ſome reformation of " their own heads, to make a reformation in the Government, of " their own heads, without purſuing the methods of law; that " is a levying war and Treaſon, if they actually do it; but, the " propoſing and deſigning it is not ſo." Then compare that with this reſolution in Scotland, does it come to any thing more than a purpoſe and deſign, that, if a certain law ſhould be paſſed, they would reſiſt it.

Now I will ſuppoſe, for arguments ſake, (though I do not admit it in point of fact), that they meant to reſiſt it by force; even if they did mean to reſiſt it by force, the conſulting how they ſhould raiſe an inſurrection to reſiſt it by force, if it was an exiſting law, would not be High Treaſon, much leſs to conſult how they may reſiſt a law which has not yet paſſed; ſo that, reaſoning *a fortiori* from this caſe of Sir John Frend, giving the fulleſt effect to this proceeding in Scotland, it is impoſſible to implicate thoſe that come to that reſolution in the crime of High Treaſon; they were proſecuted only for a miſdemeanor; but the object is, to implicate perſons who only ſent Delegates to this Society in High Treaſon (not that I agree that Mr. Tooke did ſo) though the Delegates themſelves were proſecuted only for miſdemeanors, and that upon the beſt of all grounds, becauſe, in point of law, the act they did was not an act of High Treaſon, inaſmuch as the utmoſt that they did was a conſulting how a law which might be paſſed ſhould be reſiſted, whereas, the conſulting how to raiſe an inſurrection to oppoſe an exiſting law, upon the authority of this caſe, which has not been diſputed, is not High Treaſon.

Gentlemen, the ſame obſervations ariſe upon another act which is imputed to Mr. Tooke, the adopting certain reſolutions which were paſſed upon the judgment againſt Gerald. Theſe reſolutions, reflecting upon the judgment of the Court of Scotland, however improper you may think them, however improper they may appear to the Bench that preſide in this caſe, theſe reſolutions were not acts of High Treaſon, and, therefore, they do not apply

apply to this caſe; but there is another ſtrong reaſon why they do not apply to him, he was not preſent at the time that they were paſſed. It is in evidence to you that Gerald was preſent; that Mr. Tooke, at the beginning of the meeting, was in the chair; that he left the chair while theſe reſolutions were going on; and that Gerald himſelf, the man who was about to ſuffer under that judgment, ſtung, I ſhould ſay, with the apprehenſion of that judgment, becauſe judgments had been paſſed with great ſeverity againſt other Delegates, which he was complaining of, waiting for his trial, and ſtung with apprehenſion of ſuch a judgment againſt himſelf, he propoſed and agreed to thoſe reſolutions, but Mr. Tooke had left the chair, as appears from the books which they produce, though it does not appear in the report of the Secret Committee.

Another crime imputed to Mr. Tooke is, that he has approved of Mr. Paine's works, and, I believe, Mr. Barlow's. He has ſo; but, is a man anſwerable for every paſſage in a book to which he gives his approbation? Does not it appear to you, that this is a fair way of conſtruing ſuch an act of approbation? See what the general principles of the man are, who approves; ſee what his great object in life is; ſee what his object is at the time that he approves, and, if you find in the book any principles tending towards that object, which is his profeſſed one, which is proved to be his real one, thoſe are the parts of the book to which his approbation muſt apply, and not to the others. Now let us ſee, in point of fact, how that comes out in other parts of this caſe.

They called a witneſs from Sheffield; Paine's work, you know, had been approved of at Sheffield: they queſtioned the witneſs as to his approbation of Paine; what was the anſwer he gave; it was this; we were upon the Duke of Richmond's plan, and we approved as much of Paine's book as fell in with that plan? and they uſed Paine's book as a means of promoting the plan which they had of carrying the Duke of Richmond's project into execution, but, it would be an abominable thing to fix men with all the principles contained in Paine's book, as applicable to the Government of this Country, becauſe they approved

proved of the book, when they were purſuing a certain object, to the proſecution of which object, other parts of the book contribute.

Gentlemen, you have a further explanation of this from a witneſs called by Mr. Tooke himſelf, a gentleman at the Bar, Mr. May; he tells you, he has known Mr. Tooke ſeveral years; that he has been in his company in hours of conviviality, and in ſerious hours; when he had drank much wine, and when he had been perfectly ſober—he ſays he had a curioſity to know what Mr. Tooke's real ſentiments upon Government were; that he himſelf had no communication with any of theſe Societies; he tells you he found Mr. Tooke always well attached to the King, and to the Ariſtocracy, to the nobility of the Country; he always expreſſed himſelf ſtrongly in their favour; he converſed with him upon the ſubject of this book of Mr. Paine's, and Mr. Tooke reprobated Mr. Paine's doctrine, with reſpect to Monarchy, as applicable to this Country; he always ſaid that this Country was not fit for a Republic; conſtantly held that converſation; but he conſtantly ſaid, that his object was a Parliamentary Reform, which, he thought, ought to be purſued in this Country, by all good citizens, becauſe it was his judgment, that it would tend to confirm, inſtead of overturning the Conſtitution; he approved, therefore, of thoſe parts of Paine's book which had that tendency; but it is evident he diſapproved of thoſe as applicable to the Engliſh Government, which tended to the deſtruction of Monarchy.

Now, out of all this together, out of this monſtrous farrago of papers, this addreſs to the French Convention, the ſubſcriptions, the Scotch Convention, the buſineſs of Gerald, the approbation of Paine and Barlow, upon which the ſame obſervations ariſe; out of all theſe together, they ſay they have collected, that Mr. Tooke has conſpired with others to overturn the Government, and depoſe the King, holding out Parliamentary Reform as a mere pretext to cover that underplot of his; that he conſpired to depoſe the King, and to overturn the Government, and to do it by force, for it muſt be by force; and it is ſtated by the Solicitor General, in his opening, that what he charged Mr. Tooke with, is a conſpiring to depoſe the King, and bring about

that

that depoſition by force to be uſed by himſelf, or by others that were to be employed by him.

Gentlemen, what force have you any evidence of in this caſe? Will you collect from this parcel of papers, from theſe addreſſes, from theſe circumſtances upon which, I confeſs, I have been only able to make general obſervations to you; will you collect from them that there was any project of force on foot? That Mr. Tooke had it in his contemplation to take up arms, or put arms into the hands of any other perſons, when there is not a tittle of evidence upon the ſubject? The charge againſt him cannot be proved, without proving an exiſting or prepared force; there is no evidence of this. Will you collect this? Will you infer this? Will you believe that which is not produced in evidence to you, merely for the purpoſe of convicting a man? I agree with what has been ſtated by the Attorney General, and laid down by his Lordſhip, on the laſt trial; that it is not neceſſary that the force ſhould be adequate to the end; that it ſhould be certainly ſufficient to produce the purpoſe to which it is directed; but I do inſiſt, that, in order to make you believe that it was the object of the priſoner to bring about a certain purpoſe by force, there ſhould be ſome reaſonable evidence given you, either that ſomething like force exiſted, which he had it in his power to uſe, or, that there was ſomething like preparation of force to be uſed hereafter. Now, is there any thing of that ſort in this caſe, and can you make any thing of the caſe without force?

Gentlemen, in caſes of this ſort, which have been tried, it generally happens, that there has been ſome pretender to the Crown, who was ready with an army, to which the parties could attach themſelves; in all the caſes ſtated from the State Trials, there was a pretender to the Crown, there did exiſt plots in the Country, there were people to whom thoſe who favoured the pretender's claim might immediately attach themſelves; if there was not a force on foot in this Country, there was a force in a neighbouring country, in France, in which the pretender reſided, ready to co-operate with any here, for the purpoſe of aſſiſting his pretenſions to the Crown; it was credible, in that

caſe,

caſe, that men who entered into conſults againſt the Govern-ment, had ſuch views as might be imputed to them, becauſe there was a force to which they might attach themſelves; but what is there of that ſort here? Is there any force in this Country? Are there any arms in the hands of any men in this Country, to whom theſe people, if they roſe, could poſſibly attach themſelves; if there was not, what preparation for force is there by which they might effect their own purpoſes? There is nothing in the world but twelve pike-ſtaffs, ſpoken to by the witneſs, Widdiſon, from Sheffield, which were made for the ſelf-preſervation of thoſe who thought themſelves endangered by attacks made upon them there. So much for the force, which, if you do not believe to exiſt in this caſe, it is impoſſible you can convict the priſoner, becauſe, it is the eſſential part of the charge; as little have they made out any conſpiracy to bring about that end, which is imputed to him.

It is charged againſt Mr. Tooke, that he conſpired with ſome who are named in the indictment, with others who are not named, to depoſe the King; who are thoſe perſons with whom he conſpired? One of them was Mr. Hardy; he is with-drawn from the conſpiracy; the verdict of a Jury has found Mr. Hardy, who ſtands firſt upon this indictment, the great leader of the conſpiracy, the Secretary of the moſt obnoxious Society; that man, who is ſuppoſed to have been the Generaliſ-ſimo of thoſe troops; the manager of all this, whoſe hand was in every thing: Mr. Hardy has been acquitted by a Jury of his Country.

The charge againſt Mr. Tooke is, that he conſpired with Mr. Hardy, and others, to overturn the Government of this Country, and to depoſe the King. Hardy is placed in the front of the battle; and if they had placed him firſt in the indictment by miſtake, it was not neceſſary that they ſhould try him firſt; for it is at the option of the Attorney General to try firſt whom he pleaſes. Hardy is brought forth the firſt man to be tried; did they not wiſh to get a conviction in the firſt caſe? Was it not, think ye, the great object of thoſe who conduct theſe pro-ſecutions to ſet out with one upon which they could get a ver-dict?

dict? Would it not have been a great thing for them, to have laid before the public, and to have laid before another Jury, the judgment of his conviction, if Hardy had been convicted?—Has it not been determined, in this cafe, that the judgment of the acquittal of Hardy is evidence? Can it be ſaid that if he had been convicted the judgment of his conviction would not have been evidence againſt Mr. Tooke? Had they not, therefore, every motive, every inducement, to bring forward firſt their ſtrongeſt caſe; the caſe on which they moſt relied; the man on whom they could fix every thing; the man whom they ſuppoſed to be connected in the inmoſt councils of all thoſe other imputed conſpirators?—Do not you believe that in the judgment of thoſe who conduct this proſecution, Mr. Hardy's was the ſtrongeſt caſe? That he was the prince of conſpirators? That he was, as they believed, the leader of all the others—the perſon who ſet all this ſuppoſed miſchief on foot? Would not it have been dinned in your ears, if Hardy had been convicted, that one ſtep of this indictment was proved; that the charge againſt Mr. Tooke is that he conſpired with Mr. Hardy, and Mr. Bonney, and Mr. Joyce, and a great many others; that in getting one conviction they had proved that there was a conſpiracy on foot in the Country; that Mr. Hardy, the Secretary of one of theſe Societies, was at the head of the conſpiracy; that he was the man with whom Mr. Tooke had connected himſelf? Should we not have heard from every man on the other ſide of the table, if they could be permitted to ſpeak, that their great buſineſs was done; that there was no doubt of the exiſtence of the conſpiracy; that here was a Jury of twelve honeſt men of the Country, to whoſe care the life of the priſoner had been committed, and they, like honeſt men, feeling for the priſoner, but feeling alſo for their Country, had felt themſelves bound, upon the evidence produced, to ſay, upon their oaths, that Mr. Hardy, the conſpirator with Mr. Tooke upon this caſe, was guilty of High Treaſon; that therefore the conſpiracy itſelf exiſted to the extent to which it was charged; that the verdict of the Jury, and conviction of Hardy, ſhewed

this; and that the only ſtep now remaining, was to ſhew that Mr. Tooke was concerned in that conſpiracy?

Gentlemen, I borrow all theſe arguments, in favour of Mr. Tooke, from the acquittal of Mr. Hardy. I ſay that Mr. Hardy, ſtated to be a joint conſpirator with Mr. Tooke, implicated in the whole of the buſineſs, has been tried by a Jury of his Country; that Jury ill conducted themſelves in that cauſe, if they were not moved by the addreſs of the very eloquent and learned gentleman who now is leaving the Court, if they were not moved by his addreſs to feel a ſtrong ſenſe of the duty which they owed to the public, as well as to the priſoner. They did feel it. They felt likewiſe that it was their duty not to find a fellow ſubject guilty of High Treaſon, unleſs the proof againſt him was, in the language of the law, plain, direct, and manifeſt. Upon the proof, produced againſt Mr. Hardy, they were of opinion that he was not a conſpirator with Mr. Tooke; that there did not exiſt a conſpiracy, in which Mr. Tooke and Mr. Hardy, and thoſe other perſons combined, to overturn the Conſtitution, and depoſe the King; and therefore they acquitted Mr. Hardy. The verdict of acquittal, which has abſolved Mr. Hardy from the charge which lay againſt him, abſolves Mr. Tooke from that part, at leaſt, of the charge brought againſt him, which ſtates that he conſpired with Mr. Hardy to overturn the Government. Mr. Hardy, the man whom they have brought forward in the front of the battle, is an innocent man; and ſo, I truſt, you will find the gentleman, who now ſtands at the bar, to be.

But, Gentlemen, in proof of this conſpiracy, in which Mr. Tooke is ſtated to have participated with Hardy, Hardy is not the only perſon with whom he is ſtated to have participated; Mr. Sharpe is another; he is not one of the unknown traitors, but he is ſtated, on the indictment, to be one of thoſe perſons with whom Mr. Tooke, and the others, conſpired to overturn the Government, and depoſe the King. I will not repeat to you all the obſervations that I made upon the ſituation in which Mr. Sharpe ſtood; certainly every thing that paſſed, he knew,

and

and certainly none of the others could be traitors if Mr. Sharpe was not; and yet Mr. Sharpe, called by the profecutor, and croſs-examined by us, ſtates to you in terms, that Parliamentary Reform was the mere, the ſole object which Mr. Tooke, and the reſt had; that there was no idea, in any of them, of doing that which is imputed to them in this indictment, of overturning the Government by force; that they never had any project of force; that no ſuſpicion ever entered his mind that any man of the Society had any notion of employing force; that the real object was, as I ſtated, Reform, and no other. So it ſtands upon the force, ſo it ſtands upon the conſpiracy, and this is a charge againſt Mr. Tooke, that he conſpired, with others, to overturn this Government by force.

I think the profecutor's witneſſes have negatived the force; I think the profecutor's witneſſes have negatived the conſpiracy; I think this caſe required no anſwer from Mr. Tooke; that was my judgment, and I told him ſo: I believe it was alſo the judgment of my learned friend; that where a direct charge is brought againſt a man, that he has conſpired, by force, to do a particular thing, where it is proved by the witneſſes, who are brought forward to prove that charge againſt him, that no force exiſted, that no project of force exiſted; where it is proved likewiſe by thoſe witneſſes, that the perſons, who had met together, had not the deſigns imputed to them; but that they had the other deſign, which the priſoner himſelf ſays he entertained, a Parliamentary Reform, and merely a Parliamentary Reform. I think the profecutor's caſe, is ſo anſwered and negatived by his own witneſſes, that it calls for no anſwer from the priſoner; that was, and that is my judgment upon the caſe: yet ſtill for the ſatisfaction of the world, for the ſatisfaction of the Court, for the ſatisfaction of you, who ſit on the Jury, and for the ſatisfaction of thoſe who hear this cauſe, and for the future ſupport of the character of the gentleman who ſtands at the bar, he took upon himſelf the proof of the affirmative, he boldly ſtepped forward and ſaid:——

The charge againſt me is, that Parliamentary Reform was a mere pretext; that when I ſaid I meant a Reform in Parliament,

ment, I did not mean it, that I meant somewhat else: they have raked into all the passages of my life, they have endeavoured to prove by a hundred different acts, with many of which I am not affected, that my real object was not a Parliamentary Reform; they have not proved that which they undertook to prove, and which they must prove before you can convict me, that I conspired with others to depose the King; they have put their case, that either I did that, or I meant Parliamentary Reform; and, by putting it in that way, they have given me an opportunity, which I am glad they have given me, of shewing, by evidence, what I did mean. I will let you into the whole of my character; I will let you into the whole course of my life; I will call those who have seen me in public and in private; I will shew you what I have done at public meetings, where there were many who could prove how I acted; I will shew you what I have said, and done, before those who were in my confidence, and who, if I had any sinister designs, must have discovered them; I will lay my whole life before you, as far back as the memory of man can go; and in order to shew that Reform was my real object, and that it was not a mere pretext, I will shew you that my language, my writings, my acts, and conduct, do all manifestly testify, that my opinion has constantly been that the representation in the House of Commons should be reformed; I have had that, and that only object, in view; (and Mr. Tooke is proved to you, by many witnesses, to be a man firm, steady, and inflexible in his opinions;) I will prove to you, he says, as far back as memory can go, as far back as any of my acquaintance, that are living, can speak, that these have constantly been my opinions, and that I have uniformly acted upon them. With respect to designs that I may be supposed to entertain against the King and the Nobility of the Country, and which I shudder at the mention of, I will shew you from that same conduct, public and private, from those same confidential friends, that the King has never been mentioned by me, except with regard, with esteem, and with reverence; that I have always spoken of the Nobility of this Country, as a body of men who ought to be supported; that my complaints

have

have always been directed against that which they now are directed against, namely, what I conceived to be a corrupt and imperfect representation of the people in the Commons House of Parliament; that the reformation of that corruption, the remedy of that evil, is the object I have constantly pursued, and that I have pursued no other.

I will bring you then down to the later acts of my life; I will then bring you acquainted with me for the last three or four years, the time when I am supposed to be plotting this conspiracy; I will shew, that by all the public acts that I have participated in during that time, by many private conversations, by many confidential communications to friends, that so late as the last two or three years, at which time I have been supposed to be plotting this horrid conspiracy, my language has been the same, uniformly, to all who knew me; that my object was Parliamentary Reform, a Reform in the House of Commons, but no where else.

Gentlemen, for this purpose Mr. Tooke did call witnesses.—The first, you will recollect, was a gentleman of great honour, Major Cartwright: he told you that he had known Mr. Tooke intimately for the space of fifteen years; now that is a reasonably long period to make one's self acquainted with the real disposition and objects of a man; he tells you he never met with a man in his life who was more steady, more firm, and more inflexible in the opinions that he once entertained; and the Major had great reason to say so, for he differed with him in opinion; and it was more likely to strike him than a man who had not that circumstance to lead him to the observation.

I should have stated that the first circumstance which the Major spoke to, is the general object of the Constitutional Society; he was one of the fathers, one of the institutors of it; he had known it from its institution; and he states to you, in express terms, that the only object of the Society, during all the time he knew it, was a Reform; (I mean always by Reform, a Reform in the House of Commons) for that purpose it was instituted, and all its measures had been directed to that object, till the time when he went into the country, and therefore at-

tended it no more in the year 1792. He is aſked what Mr. Tooke's opinions, with reſpect to the King, and the Nobility are; he tells you in terms, and his declaration is drawn from the reſult of an infinite number of converſations with Mr. Tooke, and a confidential knowledge of him for ſixteen years, he tells you that he conſtantly held that a reformation in the Houſe of Commons was the only thing wanted to make our Conſtitution perfect; that he always expreſſed himſelf with the greateſt degree of eſteem and reverence for the King; he always expreſſed himſelf attached to the Nobility of the Country, and directed his complaint againſt nothing but the Houſe of Commons; he differed from Major Cartwright upon the mode of this Reform, but ſtill his object was only Reform; Major Cartwright was of opinion that Univerſal Suffrage was the beſt ſubſtitution that could be made for the preſent repreſentation in the Houſe of Commons; Mr. Tooke diſagreed with him; he told him ſo; he debated the point with him more than once; Major Cartwright relied upon Locke; Mr. Tooke told him he thought he miſtook the ſenſe of Locke, or, I believe, not that he miſtook the ſenſe of Locke, but that he thought the principle laid down by Locke, upon which Major Cartwright founded his opinion, was a falſe principle; that though he had great reſpect for ſo great a man as Locke; a man to the admiration of whom Mr. Tooke's underſtanding muſt often have led him, yet he did not think Locke had formed a juſt opinion upon that ſubject: then they agreed upon this; you are for Univerſal Suffrage, I for a Reform in Parliament, but ſhort of Univerſal Suffrage; we will travel together as well as we can; and he compared their ſituation to that of two men in a Windſor ſtage-coach, one of whom wanted to go to Windſor, and the other to ſtop at Hounſlow; Mr. Tooke thought a certain Reform in Parliament a good thing, but he would go no further on that road than Hounſlow, he would ſtop there: Major Cartwright, who was for Univerſal Suffrage, would go on to Windſor. Surely there is nothing criminal in this political journey to Hounſlow in the ſame ſtage-coach, with a man who is going on to Windſor; ſimilar journies have been performed by many whoſe conduct, I am

ſure,

fare, has not been reprobated on that account. You recollect that at many of these meetings (I refer to the meetings of Mr. Pitt, when he was a friend to Parliamentary Reform) he had those with him who were for Universal Suffrage, and yet he thought no harm in adhering to them, or rather calling them under his banner, for the purpose of producing the Reform which he wished, and which Mr. Tooke wished for, not meaning to go on with them to Windsor, but meaning that they should help him on to Hounslow; that, therefore, which was no criminal in one man cannot be criminal in another; and I do not think it can be imputed to Mr. Tooke, that this partial journey which he meant to make, with Major Cartwright, up to the extent of that Reformation which he, Mr. Tooke, intended, can be criminal, although Major Cartwright might mean to go a little further for the purpose of introducing Universal Suffrage.

Gentlemen, this is the account that Major Cartwright, from an acquaintance of sixteen years, gives of Mr. Tooke—that he was attached to the King and to the Nobility, and that his only object was a Reform in Parliament; and yet the case pretended to be proved against him in this cause is, that he wishes to overturn the Constitution; that he wishes to depose the King; and that a Reform in Parliament is a mere pretext.

Gentlemen, when did this pretext begin? We have gone through sixteen years of his life by Major Cartwright, and during all this time this man is uniformly holding the same language—that the King is to be supported—that the Nobility are to be supported; and that for the support of the King—for the support of the Nobility, in his judgment, it is better that there should be a Reform in the House of Commons; because he thinks that by that Reform in the House of Commons, the whole Constitution will be more perfect than it is at present.

Gentlemen, I come now to some of the public acts of Mr. Tooke; who, if he has been conspiring against the Crown, has acted, I think, the strangest part that any conspirator for that purpose ever did act. I will, as far as I am able, lay his whole life, public and private, before your view; I will shew him

doing public acts in the year 1780, in the years 1782, 1785. 1788, 1790, I think in the year 1793, which shew most decidedly that his real object was a Parliamentary Reform in that branch of the Legislature which we call the House of Commons.

The first public act I shall shew is in the year 1780. You will find it proved, by referring to the notes you may have taken, or to your memory of the evidence, that so long ago as the year 1780 associations were held, and associations of Delegates I think, for the purpose of bringing about a Parliamentary Reform; that there were Delegates from different towns and counties in this Kingdom. Mr. Sheridan proved, that at these meetings Mr. Tooke attended; that at these meetings his object was not to raise confusion in the Government—not to stir up an insurrection against the existing powers—not to overturn the Government and to depose the King, as is imputed to him by this indictment, but his object was, a Reform in the House of Commons; he joined with those others whose objects were similar. These Delegates met frequently; Mr. Tooke met with them; and constantly and uniformly did he, at all these meetings, declare his object to be a Reform in the Commons House of Parliament. So far we get then, that this gentleman, whose opinions are so steady and inflexible that nothing can turn them, did, for sixteen years of his life, by the testimony of Major Cartwright, entertain these opinions; that in the year 1780, by many public acts he committed himself upon them, he shewed to the public that his object was merely a Reform in the Commons House of Parliament: so much for the year 1780. In the year 1781 there were no public acts in which Mr. Tooke participated. The year 1782 was the time when Mr. Pitt brought forward his project for a Reform in the House of Commons; and you will find from Mr. Pitt's testimony—from the testimony of the Duke of Richmond—from the testimony of Mr. Sheridan, and many others, that Mr. Tooke attended constantly at these meetings; that he constantly supported, not the project of Universal Suffrage with the Duke of Richmond, who was present at several of these meetings, as

whose house one of them I think was held, but that he wished for something short of that; that he constantly attached himself to Mr. Pitt, and followed him through his political life up to a certain point; he wished for that Reform which Mr. Pitt wished for, and assisted Mr. Pitt to the utmost of his power in obtaining that Reform: so much for the public conduct of Mr. Tooke as far as arises out of his conduct at the general meetings in the year 1782. In that same year, after Mr. Pitt's motion in the House of Commons for a Reform had been thrown out—that motion to which Mr. Tooke so ardently wished success, and the ill success of which he so much regretted—Mr. Tooke addresses a letter to a learned gentleman, whose loss in the profession, and in that House of Parliament of which he was an ornament, we shall always regret—he wrote a letter to the late Mr. Dunning upon this subject, a private letter at first, but afterwards published. Let us see now when this plan of Mr. Pitt's was thrown out—when the majority of the House of Commons declared themselves of a different opinion; let us see whether Mr. Tooke appears to have acted like a man with whom Parliamentary Reform was a mere pretext, or whether it was really the object of his mind. I shall not go through all the parts of the letter, it has been read before; but in answer to some of those objections which have been raised in the House of Commons to this plan, he says, "I trust that there are very few "persons in this Country who desire so improper and impracti- "cable a measure as Universal Suffrage; but if there were "many, the wisdom of Parliament would correct their plan, "and the corrected would be well pleased at the correction."

Now, Gentlemen, that circumstance confirms the evidence which all the other witnesses have given in this cause, that Mr. Tooke is a man steady, inflexible, and persevering in his principles; that he is not a wavering man; and it was to this point that many of the witnesses were questioned. For you see, from the beginning of his political life, he thinks that a Reform in Parliament is a real good; he thinks, likewise, that to go to the length of Universal Suffrage would be a real evil; and you find him uniformly and steadily pursuing that same conduct through his

his life, adhering to his original plan of a Reform in Parliament, but never led away, even by his intimate friend Major Cartwright, and those others with whom he was acting, and whom, if he meant to inflame the public mind, he would rather have attached himself to, to embrace the plan of Universal Suffrage, because, in his judgment, Universal Suffrage is a bad thing; and I will venture to say, that no power upon earth can induce Mr. Tooke to accede to any measure of any sort which, in his judgment, is not a right one.

He goes on to state his reasons, not for thinking Parliamentary Reform a good thing; that he considers as admitted, at least as admitted by the learned gentleman to whom he addressed this letter, but he answers the objections that had been stated to it in the House of Commons. He recommends to the Legislature the adopting the measure which had been proposed by Mr. Pitt, as that which was most likely to give firmness and stability to the Constitution of this Country, consisting, as he states it to consist, of King, Lords, and Commons; and at the conclusion of his letter we have this sentence—Now hear the language of a Democrat—the language of a man to whom Democracy or nothing must be imputed in this prosecution—"The prerogative of the Crown, which is glorious to the "Monarch and beneficial to his subjects, they will place as it "ought to be placed, high, brilliant, and independent; a great "weight at bottom can bear a great weight at top. Let the "Aristocracy, unenvied, enjoy their full and honourable pro-"portion of influence, to which they are justly entitled, in the "State, but let them cease as a faction to shackle the hands of "their Sovereign, whilst they delude and plunder his subjects." This is the language of a man who is either said to be a Democrat, or one who wishes to overturn this Government, and to introduce none in its stead.—This is the language of a man to whom it is imputed that he wishes to overturn the Government, and, as a part of it, the House of Lords.—This is the man to whom it is imputed that he wishes to strip the King of his Crown, that Crown the prerogative of which he states is glorious to the Monarch and beneficial to the subjects and ought

to be placed high, brilliant and independent.—This is the man to whom it is imputed that he would ſtrip the Nobles of their nobility, and yet he ſays, "let the Ariſtocracy, unenvied, enjoy "their full and honourable proportion of influence, to which "they are juſtly entitled, in the State." So much for the Nobility, whom he wiſhes not to diſplace, but to ſecure in the poſſeſſion of thoſe honours which the Conſtitution has given them; "but let them ceaſe as a faction to ſhackle the hands of "their Sovereign, whilſt they debaſe and plunder his ſub-"jects."

Is that Treaſon? Is it Treaſon againſt the King to offer a wiſh that the Ariſtocracy of the Country may ſuffer the King to hold that authority, to poſſeſs that weight in the Conſtitution which belongs to his office? Muſt it be attributed to Mr. Tooke that he wiſhes to pull down the Nobility, becauſe he deſires that they ſhall not ſhackle the hands of their Sovereign, while they debaſe and plunder his ſubjects? And is it to be imputed to him that he wiſhes to depoſe the Monarch, when in the former ſentence of this very work he ſtates, that the prerogative of the Crown is glorious to the Monarch and beneficial to the ſubject? Would a man like Mr. Tooke who had committed himſelf to the public in this manner, have turned ſhort round, have turned againſt that Monarch whoſe prerogative he ſtates to be ſo glorious to himſelf and beneficial to the ſubject? Would he have turned againſt that Ariſtocracy of whom he ſays—"Let the Ariſtocracy enjoy their full and honourable propor-"tion of influence, which the Conſtitution has given them."? Would he have ſhortly turned round upon theſe illuſtrious characters, and would he have conſpired to have taken from the one their honours, and from the other his life?

Gentlemen, Mr. Tooke entertains, I know not whether ſingular, but I think exceedingly well-founded opinions. Theſe, I know, are his reaſonings upon the ſubject of the different branches of the Legiſlature; he is of opinion that the King, as well as the people of this Country, are repreſented in the Conſtitution; that they are repreſented by thoſe who are reſponſible for their acts—reſponſible to thoſe who appoint them to the ſitua-

ſituations which they hold; that the people are repreſented by thoſe whom they ſend to the Commons Houſe of Parliament, and who are reſponſible to their conſtituents; that the King is repreſented, as he certainly is, by thoſe whom he appoints to the great offices of the State, they act for him, he can do no wrong, but they are reſponſible for their conduct to him who appoints them: that is the opinion which Mr. Tooke, I know, entertains upon that ſubject. His complaint of the defect in the Conſtitution is this; that the people are not duly repreſented in the Houſe of Commons by thoſe whom they ſend there, and who ought to be reſponſible to their conſtituents for their conduct in the Houſe of Commons; he thinks that corruption has found its way into that Houſe of Parliament; that by means of this corruption, improper perſons are ſent there; and that the effect of improper perſons being ſent there is not only that the people are improperly repreſented in the Houſe of Commons, but that it trenches upon the other branches of the Legiſlature; by means of this corruption in the Houſe of Commons, he is of opinion, that improper men are ſent into the Houſe of Lords, and ſo the purity of the Houſe of Lords is corrupted; he is of opinion, that the King has not that free choice of his ſervants which ought to be left in his hands. Is there any opinion that can be turned againſt him? and does this ſhew that his object is to depoſe the King? On the contrary, is not the plain tendency of it to ſupport the King in that ſtate in the Conſtitution which he holds, and to which he is entitled by the Conſtitution? These are his opinions: if I have improperly ſtated them to you, if he does not agree that his opinions are ſuch as I have ſtated, he, I am ſure, will contradict me; this then I underſtand to be his opinions, and I have ſtated them to you, becauſe I think they are perfectly conſiſtent with his conduct. What is his complaint?—That improper perſons are ſent into the Houſe of Lords. How?—By the introduction of improper perſons into the Houſe of Commons. What is his complaint as to the Crown?—That the Crown has not the free exerciſe of its prerogative. Why?—Becauſe improper perſons being ſent into the Houſe of Commons, they exert its influence controul upon

the

the Kings, they do not leave him that full exercise of his prerogative which he ought to have. He refers all the evils which he thinks exist in the Constitution to the defect in the representation of the House of Commons; he does not go along with, I had almost said, the wildness of those who are for Universal Suffrage, but he thinks a more equal representation of the people should be admitted into the House of Commons; and that, if that was introduced into the House of Commons, it would remedy all the evils of which he and others complain.

Gentlemen, I have stated to you those public acts of Mr. Tooke in the year 1780 and 1782. The next step which was taken towards Parliamentary Reform, by any bodies of men in this Kingdom, was in the year 1785; you have as witnesses to them my Lord Stanhope and Mr. Wyvill. Mr. Pitt had then a second time proposed a Parliamentary Reform in the House of Commons; he had been defeated. You find that at this meeting in 1782 Mr. Tooke again attended; at more than one meeting, indeed, in 1785, he attended; true to his principles, he was still an advocate for Parliamentary Reform; for a Parliamentary Reform short of Universal Suffrage; he was still a supporter of Mr Pitt's plan for a Parliamentary Reform; and at the time when this second proposal of Mr. Pitt's in the House of Commons had been thrown out, when a subsequent meeting was held, I believe, by Mr. Wyvill, there was a proposal for appealing Mr. Pitt's plan of a moderate Reform; the proposal was negatived; but Mr. Tooke, still adhering to the principles which he has always professed, was still of opinion that a Reform was necessary, but that Universal Suffrage was a bad thing. Though that plan of Reform was negatived by those who wished for a larger Reform, Mr. Tooke, it is stated both by Mr. Wyvill and my Lord Stanhope, voted for that Reform.

The next period at which Mr. Tooke is brought to your view is in the year 1788. That was a time when the affection of the subject towards the Monarch, if he entertained any, was likely to be called forth, when the nation was lamenting a calamity by which their Sovereign was afflicted. At the anni-

versary

verſary of the 5th of November, 1788, there was a meeting of the Conſtitutional Club.

Gentlemen, I do not ſay that you are to be led by names; I do not ſay that becauſe this club was called the Conſtitutional Club, therefore you are to attribute this or that object to it; but let us ſee who were the men that attended this club with Mr. Tooke; all thoſe who were moſt loyal in the Country; all thoſe who, at that time, were moſt attached to the Sovereign; all thoſe who, in their judgment at leaſt, thought that a time to make the cauſe of the King their own; they diſtinguiſhed themſelves to the public by an uniform dreſs, the buttons of which bore an inſcription of "King and Conſtitution." Theſe are the men to whom Mr. Tooke, in 1788, was ſtudious to attach himſelf; this was the ſort of meeting that he attended, and one of their chief objects will appear to you, from a toaſt which they univerſally drank, "The King's recovery;" I leave you to judge, whether, from the deſcription of the perſons who attended, and from what has been ſtated to have paſſed at that meeting, Mr. Tooke could have any other object in attaching himſelf to thoſe men, but a firm perſuaſion that the King, the Kingly power, the Kingly character, and dignity, were, under all circumſtances, and in all caſes, to be ſupported in this Kingdom.

In the reſolutions of 1788——

Lord Chief Juſtice Eyre. They were not read. Mr. Beaufoy could go no further than a looſe recollection; but, from the evidence, I take the ſubſtance to be, that they were reſolutions expreſſive of loyalty to the King, and of attachment to the Conſtitution, in King, Lords, and Commons; but the particular reſolutions were not admitted in evidence.

Mr. Gibbs. Then, at this meeting, in 1788, held for the purpoſe of offering up their wiſhes for the King's recovery, at the time when he was afflicted by ſickneſs, conſiſting of ſuch men as you have heard, who was the perſon who propoſed reſolutions, at a time when it was thought that every man ought to proclaim to the public his opinion upon public affairs? Who was the man who propoſed the reſolutions to that Society, and what

was

was the nature of thoſe reſolutions that were propoſed? I cannot ſtate them particularly, becauſe I am properly informed by the Court that the reſolutions themſelves are not in evidence; but at that critical juncture, when every man adhered to one party or other, when this meeting was held; when people diſtinguiſhed themſelves by an uniform from thoſe whom they thought to entertain contrary opinions; when the inſcription on their coats was King and Conſtitution, what were the reſolutions that were paſſed, what the nature of them, and who the perſon who propoſed them?

Gentlemen, Mr. Tooke ſtood forward on that occaſion, and propoſed the reſolutions, be they what they will, that were paſſed at that time. I am ſorry that it is not in my power to lay the reſolutions themſelves before you, becauſe I think they breathe ſuch a ſpirit of loyalty as muſt expel from all minds all poſſible ſuſpicion that ſuch a man could entertain deſigns againſt the Sovereign; that was the time at which, if he had entertained any ſuch deſigns, they would have appeared; that was the period at which his affection or diſaffection was likely to be called forth, and yet he is the man who attends this meeting, who aſſociates himſelf with ſuch men as you have heard proved did attend it, who brings forward reſolutions at that meeting, teſtifying the loyalty not only of himſelf, but offering a ſort of teſt to the reſt, who were preſent, of their loyalty to the King, and their attachment to the Conſtitution. After this, I think, I need ſay no more of the year 1788, when Mr. Tooke not only was a loyal man, but diſtinguiſhed himſelf from thoſe who were thought to be otherwiſe, by his public attachment to the perſon of the King, declared in reſolutions read, and offered by himſelf, at a public meeting.

The next public act of Mr. Tooke's life—and I ſtate all that are in evidence, I wiſh there were more, becauſe I am ſure if there were more, all would contribute to the ſame end—is in the year 1790, when a meeting was called for the celebration of the anniverſary of the French Revolution: and you will recollect that, at that time, the French Revolution was in its infancy. Mr. Sheridan was the perſon who called that meeting, and he told

you,

you, in his evidence, that a reſolution had been agreed on before-hand, between him and ſome of his friends, and the words of the reſolution I will read to you—" That this meeting does " moſt cordially rejoice in the eſtabliſhment and confirmation of " liberty in France; and that it beholds, with peculiar ſatisfac- " tion, the ſentiments of amity and good will which appear to " pervade the people of that Country towards this Kingdom, " eſpecially at a time when it is the manifeſt intereſt of both " States that nothing ſhould interrupt that harmony which at " preſent ſubſiſts between them, and which is ſo eſſentially ne- " ceſſary to the freedom and happineſs not only of the French " nation, but of all mankind."

Now, Gentlemen, while we have ſo much of the French affairs in this buſineſs, let us ſee what part Mr. Tooke takes upon this occaſion; he approved of this reſolution; he thought it a proper one; he rejoiced in the French Revolution, as far as it affected the Country to which that Revolution applied, but did not wiſh that any part of it ſhould be applied to this Country; he did not wiſh to diſſeminate an opinion in this Country that any revolution was wanting here; he therefore, after a ſpeech in which he ſtated, as is proved by Mr. Sheridan, that the veſſel of the French Government was ſo decayed and bulged, that it was incapable of repair; that a revolution therefore was neceſſary in that Country, but the veſſel of our Government was riding proudly over the ſea; that her main timbers were all ſound; that ſhe poſſeſſed a vigour in her Conſtitution which was unimpaired; ſhe might want ſome correction, but the Conſtitution itſelf was ſound; (I pretend not to repeat the words, but that was the ſubſtance of Mr. Tooke's ſpeech) he propoſed an amendment to the motion, but the amendment was thrown out, becauſe the motion had been agreed on before; and then Mr. Tooke propoſed an original motion, which I will read to you.

" That this meeting feel equal ſatisfaction that the ſubjects " of England, by the virtuous exertions of their anceſtors, have " not ſo arduous a taſk to perform as the French have had, but " have only to maintain and to improve the Conſtitution their " anceſtors tranſmitted to them." This is in the year 1792, and

and yet it is imputed to Mr. Tooke that he is a plotter to overturn that Government; to depoſe that King, of whom he ſpeaks in the terms which have been ſtated to you; to introduce French principles of anarchy into this Country, when at a meeting for the purpoſe of celebrating the French Revolution, leſt it ſhould be miſunderſtood by ill judging people that ſuch was the deſign of the meeting, he ſtates in terms that the Conſtitution is what he always has ſaid it was, what falls in with the conſtant and uniform tenor of his conduct and converſation, that the Conſtitution of this Country is firm and unimpaired; that it is matter of ſatisfaction for the ſubjects of this Country that the people of England, by the virtuous exertions of their anceſtors, have not ſo arduous a taſk to perform as the French have had, but have only to maintain and to improve the Conſtitution which their anceſtors tranſmitted to them; that Conſtitution, in the admiration of which almoſt all the public acts and declarations of Mr. Tooke conſiſt.

The laſt act—I know not whether to call it an act, it is not ſo properly called a public act—the laſt act of Mr. Tooke's life, as connected with other perſons, that is given in evidence, was in the year 1793; I mean his converſation with Mr. Francis. You will recollect that this is at the time when Mr. Tooke was ſuppoſed to be plotting and conſpiring againſt the Government. Mr. Francis had brought into Parliament a Bill for a Reform in the Houſe of Commons; knowing the learning of Mr. Tooke, knowing how well acquainted he was with ſubjects of this ſort, he communicated his plan to him, and deſired ſuch return of communication as Mr. Tooke might be able to furniſh. What was the conduct of Mr. Tooke upon that occaſion? Does he ſay this is not going far enough? Does he diſapprove of this? Does he there fall in with that project of Univerſal Suffrage, which moſt unqueſtionably, if Mr. Tooke had had that conſpiracy in his mind which is imputed to him in this indictment, would have carried him much nearer to the accompliſhment of it? Suppoſe, for a moment, that Mr. Tooke's plan was really to overturn the Government, but that he did not wiſh to hold out this to the public, and therefore he would pro-

 ſeſs

ſeſs himſelf to be a favourer of meaſures that did not go that length, would not he, in that caſe, have gone the length of Univerſal Suffrage? Would not that have brought him a great deal nearer to what he is pretended to have purſued? And yet no ſuch thing; even down to the year 1793, Mr. Francis propoſing to him the plan of a moderate Reform, he tells you that, in converſation with Mr. Tooke, he agreed to that Reform.

Gentlemen, I could have given you evidence of a public declaration of Mr. Tooke's, ſo late as the 2d of May, 1794; and, ſtill lower down, a public declaration, a declaration proved in a former trial: however, that witneſs is not called for the Crown, and therefore we, of courſe, do not call a man who, on that trial, appeared to be a ſpy of the Government. But, Gentlemen, though I do not call a witneſs who proves that ſpecific fact, yet I have called to you numberleſs witneſſes who were intimately acquainted and connected with Mr. Tooke, who had been in his confidence, and who ſpeak to his opinions during the laſt three years of his life, up even to the time of his apprehenſion; theſe are Mr. Simmonds, Mr. Maxwell, Mr. Harwood, all of whom are intimately connected with him; all of whom know, as they believe, his moſt ſecret thoughts; (and Mr. Tooke is not a man to conceal his ſecret thoughts from thoſe with whom he communicates) they all tell you, that from all the converſations that they have ever had with him, and they have had numberleſs converſations with him upon thoſe ſubjects, his profeſſed object has always been a Parliamentary Reform, a Parliamentary Reform up to a certain point only; that he has always ſtopped ſhort of Univerſal Suffrage; that with reſpect to overturning the Government, with reſpect to depoſing the King, ſo far is he from entertaining any project of that ſort, that he has always expreſſed himſelf, both in public and in private, as far as his conduct has fallen under their notice, and all his conduct has fallen under it, with the greateſt degree of reſpect and reverence; that he has profeſſed an eſteem and reſpect for the perſon of the King, he has profeſſed an eſteem and reſpect for his character in the Conſtitution, as neceſſary for the

pre-

preſervation of the other branches of it, and has always declared that an attempt to introduce a different mode of Government into this Country, would be fatal to its exiſtence. That this has been the general conduct of Mr. Tooke; that theſe have been his general opinions; that this has not, as it is ſtated by the gentlemen on the other ſide, been a mere pretext, muſt be evident to you from the teſtimony which I have ſtated.

But, Gentlemen, there is alſo another witneſs whom he has called to the general tendency of his conduct, and to his general character; a gentleman, of whoſe learning and whoſe integrity it is unneceſſary for me to ſay any thing, becauſe they are much above my praiſe, and can receive no addition from it; I mean the Biſhop of Glouceſter. His Lordſhip tells you that he has known Mr. Tooke intimately for forty years; that their acquaintance commenced at College, where they were fellow ſtudents, that not only their acquaintance, but their intimacy, has continued ſince; he is queſtioned particularly and boldly, and in the voice of an innocent man, by Mr. Tooke, as to what he knows, or what he has reaſon to think, of Mr. Tooke's political opinions; he ſays he never knew Mr. Tooke vary in his political opinions at any time; he has known him intimately, you will obſerve, and he never collected from any act of his life, from any declaration of his in the confidence of friendſhip, that he was hoſtile to any political or religious eſtabliſhment in this Country; he ſays that his habits of life were thoſe of a ſtudious man, that he was engaged moſtly in books; that he, the Biſhop, had frequently aſſiſted him with rare books which Mr. Tooke had occaſion for in the proſecution of a literary work; that he was much concerned in grammatical reſearches; and then being aſked, whether, from the whole courſe of his life, from the intimacy that ſubſiſted between them during the laſt forty years, he had any reaſon to think that Mr. Tooke ever entertained a thought of conſpiring againſt the King, or the Government, he ſays, "No—certainly not."

Gentlemen, you will recollect that in going through the priſoner's caſe, I undertook only to ſhew to you, and it was all that it could lie upon me to ſhew, that what it is admitted has

always been held out by him as his object—a Parliamentary Reform was not a mere pretext; have I not shewn you that moſt ſatisfactorily; have I not carried you through the whole courſe of his life, as far back as I could go? Beginning forty years back with the Biſhop of Glouceſter, I bring him down to Major Cartwright, who knew him ſixteen years back. Then we come to the year 1780; I communicate to you every public act in which he has ever partaken; I call to you his private friends, who have all been in a ſtate of intimacy with him. I leave no period of his life unaccounted for; I aſked particularly for theſe laſt three years, for I called five or ſix witneſſes who have known him during that time, and they all concur in telling you that he has had one plain, uniform, ſteady plan, a Reform in Parliament up to a certain pitch. Not only that he never went the length of a conſpiracy to overturn the Government, or to depoſe the King, but ſo inflexible was he, that he never would lend himſelf to thoſe who wiſhed to go further than himſelf; he never could be carried over to the opinions of thoſe, who, wiſhing with him for a Parliamentary Reform, wiſhed to carry it further than he did, up to Univerſal Suffrage. Then how can it be contended that this perſon, of whoſe life I have given you this hiſtory, who has conſtantly made the ſame evil the ſubject of his complaint, who has always ſtated the remedy for that evil to be a moderate Parliamentary Reform in the Houſe of Commons. With what face can it be alledged that all this is mere pretext? My evidence has nothing to do with the reſt of the caſe, it is only to ſhew that this profeſſion of his is not mere pretext; if this was not mere pretext, then it was his real object, and if it was his real object, he was purſuing a lawful object, for as to the pretence of purſuing this object by force, it is ridiculous to ſtate it; there is no evidence in the cauſe by which you could perſuade the weakeſt creature upon earth to come to that concluſion.

It is made a queſtion whether Mr. Tooke has on one hand conſpired, or entertained a deſign to overturn the Government, or whether, on the other hand, his object was, as he has always profeſſed, a Reform in the Houſe of Commons, and what is

there to shew that this is a pretext; what is there to shew that this is not his real object? Why there is a multitude of papers, addresses, and resolutions produced, containing improper expressions—I may admit libellous expressions—expressions for which I will admit those concerned in them may be punished; but they do not amount to High Treason, nothing like it; and from this inexplicable mass and confusion of papers, you are desired to presume against the constant course of a man's life, against the evidence I have given, not only of his public, but private declarations and acts, all tending to the favourite idea of his mind, Parliamentary Reform, that this was mere pretext, and the destruction of the King his real object. Human credulity cannot go this length.

Gentlemen, I beg to bring you back. I went into this case at the request of the prisoner, for the sake of clearing his general character to the world, that there might remain no slur upon it; but I beg you to remember that I insist, and insist confidently, that the case made by the prosecutor did not call for an answer; that they themselves disprove the charge, that their charge is that Mr. Tooke, and those others of the Constitutional Society, and those men of the several Societies, had conspired to overturn the Government, and depose the King. And in going into a proof of the overt-acts of the conspiracy, they prove first acts indifferent in themselves, and upon which, without further proof, this construction could not be put; knowing this, they endeavour, by other evidence, to give them the colour of a criminal complexion, and shape them to the charges in the indictment; therefore they call witnesses who must know whether that conspiracy existed, or not, who were acquainted with the actors in it, if it did exist; they present to you these men upon their oaths, they undertake by these men to prove their case; for that purpose they call to you Adams and Sharpe, partakers in all these measures, such as they were; they call to you the persons from Sheffield also stated to be conspirators with the prisoner Mr. Tooke; all these witnesses disprove the allegation; they deny that it was the intention of any of those Societies, or any of those Committees, to overturn

the Government, or to uſe any manner of force whatever; the Crown has diſproved its own caſe; the witneſſes for the Crown have negatived the criminality of thoſe acts which they were brought forward to prove criminal. This they were brought forward to prove, and they have diſproved it. I borrow, therefore, the evidence of the Crown for the purpoſe of diſproving what the proſecutors hoped to prove by them, the criminal intent. Theſe witneſſes, who muſt know what was the intent, who are the only perſons that muſt know it, you have their account directly contradicting it. I have, therefore, a verdict for the priſoner given to me by the evidence for the Crown, and it was to ſatisfy the jealouſy which the priſoner entertains for his character, and for that purpoſe only that I called his witneſſes.

Gentlemen, with this proof on the part of the Crown to acquit the priſoner, it appears to me impoſſible that you ſhould convict him. I have not entertained a moments anxiety in this caſe, becauſe I have found my client perfectly ſafe; he muſt be ſafe, becauſe you are honeſt men. I have no ſcruple to ſay, that if, upon ſuch evidence, the gentleman who ſtands at the bar ſhould be convicted of High Treaſon, there is an end of that part of the freedom of Engliſhmen which they derive from the protection of the ſtatute of the 25 Edward the Third, and they are ſent back to all that obſcurity; to all that difficulty; to all that danger which exiſted before the ſtatute, which the makers of that ſtatute complained of, but which was remedied not only by that, but by the ſubſequent ſtatute of the firſt of Queen Mary. I am perfectly ſatisfied in my own mind, that it is impoſſible, againſt the words of the ſtatute which I have ſtated to you, againſt the conſtruction put upon the ſtatute by the moſt learned men who ever preſided in Courts of Juſtice in this Country; conſidering too the evidence that has been given, negativing all ſort of criminality in the priſoner, and conſidering that that evidence chiefly comes from the witneſſes for the Crown, it is impoſſible that you ſhould heſitate about your verdict. I cannot ſuffer myſelf to entertain a moment's anxiety for the fate of the gentleman who ſtands at your bar; it is impoſſible

poſſible that with an Engliſh Jury he ſhould incur any, the ſmalleſt degree of danger upon ſuch a caſe.

The proof to convict an Engliſhman of High Treaſon muſt be plain; muſt be direct; muſt be manifeſt. The proof in this caſe is plain, is direct, is manifeſt; but it is all in favour of the priſoner. The proof offered to ſupport the proſecution, furniſhes a plain, direct, and manifeſt caſe for an acquittal. I have no ſcruple to ſay, unconnected with all parties, not having in my mind a wiſh upon this ſubject, except as I may be ſuppoſed to entertain ſome in favour of my client, but with reſpect to the public not entertaining a wiſh except for public peace and public order, having never mixed myſelf in any political conſiderations whatever, having never connected myſelf with any ſet of political men, and ſtudiouſly avoiding all ſuch connections, living equally with men who entertain one and the other opinion upon the ſubject of politics; I have no ſcruple to ſay, and I ſay it from the bottom of my heart, that I think a ruder ſhock cannot be given to the Conſtitution of England, as far as it depends upon a due adminiſtration of its laws, than by convicting this priſoner upon this evidence.

Lord Chief Juſtice Eyre. Mr. Tooke, it is proper I ſhould inform you, that if you wiſh to addreſs the Jury yourſelf, you have an undoubted right to do it; that this is the time for you to do it, and that you cannot be permitted to make any obſervations after the reply, nor after the ſumming up.

Mr. Tooke. I very much fear that I have ſpoken already too much, and too often in this Court, and I do not mean to trouble you with one word.

REPLY.

MR. ATTORNEY GENERAL.

Gentlemen of the Jury,

It has pleaſed the Providence of God, in ſuch of his diſpenſations as affect the ſituation which I am to hold in this world, to call upon me, at this moment, to execute a duty ſo awful and ſo important, comprehending obligations of ſuch a nature, and ſo various, that I proteſt ſolemnly, in the face of my Country, and in the preſence of that Providence, that I can look only to his ſupport, to enable me to execute it, as I ought, to the priſoner, and the Country.

Gentlemen, you are now brought near to the concluſion of a moſt important cauſe, a cauſe, which involves in it the deareſt intereſts of your Country, and of the priſoner; a cauſe, which involves in it (and that is what I call upon you moſt particularly to attend to) every intereſt, that in this moment, and at future periods, can be valuable to the gentleman who ſtands at the bar.

Gentlemen, I repeat to you again—what I have ſtated in another ſtage of this buſineſs—that I am an unfaithful ſervant to the Crown, and in that character an unfaithful ſervant to the public, if I ever forget, for one moment, exerting my beſt attention to remember it, that the diſtribution of fair juſtice, ſuch as that gentleman is entitled to, according to the law of the land, is one of the moſt ſacred duties which, in the character of Attorney General, I have to diſcharge.

Gentlemen of the Jury, you will allow me to ſay, looking at the commencement of theſe proſecutions, that they have ariſen in conſequence of the ſtrong meaſures of the higheſt Council of his Majeſty, his Parliament excepted; that they have been carried on to a certain extent by the interpoſition of the higheſt Council of his Majeſty—the Parliament—in the ſuſpenſion of the Habeas

Habeas Corpus Act—That, in conſequence of theſe meaſures the caſe of this gentleman was carried before a Grand Jury of his Country, and that that Grand Jury found this bill of indictment againſt him: notwithſtanding all this, Gentlemen, becauſe I know that conſiderations may require, and, becauſe they require, will juſtify, the interpoſition of Parliament—becauſe I know that *ex-parte* evidence will juſtify, and therefore require, the finding a bill by a Grand Jury, where yet a trial ought not to proceed—if I could have felt, when the gentleman at the bar yeſterday intimated a wiſh, that I ſhould ſignify whether this matter ſhould go further, in order that the Jury ſhould finally give its concluſion upon it—if I could have thought it conſiſtent either with the circumſtances of this caſe, my duty to the public, or my duty to my Country, to have ſaid, that it ſhould not, it would have gratified the moſt anxious feeling of my heart, to have conſented to its being then concluded.

Gentlemen, my learned friend who has laſt ſpoken has told you, that he has no connection with any political parties in this Country—and he has gone the length of ſtating to you, upon that ground, what is his own perſonal opinion upon the caſe before you. Now, Gentlemen, I will ſay this, in the face of my Country too, and I defy any man living to contradict me in what I am now ſtating—that, as I have never ſought (to my knowledge I mean) any ſituation, in which I ſtand, otherwiſe than by the induſtrious exertion of ſuch talents as God may have given me, ſo I here declare, that not one ſtep would I take in this proſecution, repugnant to the dictates of my own judgment, exerciſed according to what my conſcience preſcribes to that judgment, not for all this world has to give me. Gentlemen, why ſhould I? You will allow me to ſay, after all that has paſſed, that I have no deſire, with reſpect to myſelf, in this cauſe, but that my name ſhould go down to poſterity with credit. I cannot but remember this is an intereſt moſt dear to me. Upon no other account my name will be tranſmitted to poſterity—with theſe proceedings it muſt be tranſmitted. That name, Gentlemen, cannot go down to that poſterity, without its being underſtood by poſterity what have been my actions in this caſe.

And,

And, when I am laid in my grave, after the interval of life that yet remains for me, my children, I hope and truſt, will be able to ſay of their father, that he endeavoured to leave them an inheritance, by attempting to give them an example of public probity dearer to them than any acquiſition or any honour that this Country could have given the living father to tranſmit to them.

Gentlemen, therefore, I ſay diſtinctly to you, that, if I had not known the evidence in this cauſe, when the gentleman at the bar, upon the croſs-examination of the witneſſes on the firſt night on which this cauſe was heard, intimated by the tenor of that croſs-examination, what I ſhall ſtate to you preſently, the cauſe might there have terminated. When I uſe the words, "If I had not known the evidence in the cauſe," I beg, once for all, to ſtate to the gentleman at the bar, becauſe he is ſitting there, an Engliſh ſubject, entitled to as much conſideration from me as any perſon who is in this Court, I beg to ſay to him, once for all, that when I am diſcharging my public duty, I am not taking upon me to ſtate what the facts of the caſe are: that is to be the concluſion of the Jury—but I ſpeak, endeavouring to ſtate the facts of the caſe as correctly as I can—acting upon the beſt underſtanding that I have of them—and that, if I miſtake them, I ſhall feel it eſſential to the juſtice which I wiſh to do in this caſe, that I ſhall receive correction from him, his Counſel, the Court, or any perſon elſe, who will correct me. Gentlemen, I was obſerving upon the tenor of that croſs-examination—it did ſtrike me, that the priſoner aimed by it at making out this ſort of caſe; that he had very little of connection with even the Conſtitutional Society; that of the proceedings, which have led him into the ſituation, in which he now ſtands, he had very little knowledge—that, with reſpect to the Correſponding Society, and Country Societies, he was ſtill more of a ſtranger to them: and the turn of the croſs-examination, upon the queſtions put to Mr. Adams, the Secretary of the Society, I have not the ſlighteſt doubt, had a very great influence, both upon your minds, and upon the minds of the Court. The nature of that examination had a tendency not to ſuggeſt that the meaſures were right, which

which are charged in this indictment, but to make out, that that gentleman had not ſuch a connection with the Societies, and thoſe meaſures, as to make it fit that the charge ſhould any longer be conſidered as a ſerious charge againſt him—I repeat again, that, if it had been poſſible to make that out, I ſhould have been as glad as any man living, there to have dropt the proſecution. Surely I may venture to ſay, that there is not a man in England who ought to have rejoiced more than I ſhould, becauſe, I think there is not a man in England but muſt be aware, that there is impoſed upon me an important public duty, painful becauſe it is a public duty, and becauſe it is an important duty, and therefore fixing upon me the abſolute duty of exerciſing my judgment to the utmoſt—before I perſonally and individually take upon myſelf to ſay what ſhall be the concluſion of it. Gentlemen, I will tell you further why I could not then conclude this buſineſs. Being the proſecutor in it, it was impoſſible for me not to know the caſe; and in what I have to offer to you, if there be one circumſtance in it which diſtreſſes me more than another, it is this—and here I remember, that every word that I utter in the courſe of this buſineſs, is a word that ought to be uttered with caution—but at the ſame time with that firmneſs, which the execution of a public duty demands from me. The greateſt diſtreſs, I ſay, which I feel in this cauſe, is this, that the caſe applying to a gentleman, undoubtedly of great accompliſhments, I hardly know in what terms to convey what I have to ſtate to you, when I have to ſtate that, which, if I were diſpoſed to uſe harſh terms, I think I ought to ſay, is a caſe of fraud againſt the public ſecurity and happineſs, concealing itſelf under meaſures calculated for the purpoſe of preventing perſonal detection of the party concerned in it, and placing third perſons between that party and the danger which belongs to the meaſures. It was an honourable ſentiment of the gentleman at the bar, he deſerves credit for it; that he wiſhed, in the courſe of this cauſe, that the caſes of other people ſhould be ſomewhat conſidered—Gentlemen, unleſs I miſtake the nature of this cauſe, there never was a perſon, more bound by every principle of moral obligation, to conſider the caſes of others, than the gentleman who now ſits

at

at the bar, becauſe, unleſs I miſunderſtand the caſe, and you will conſider throughout this cauſe that I am ſtating myſelf upon my own conceptions of the caſe, not preſuming to ſay it is ſo in fact, (for it is your buſineſs, on your conception of the caſe, to decide that) there never was a caſe, in which an individual had placed ſo many perſons, under miſconception of what he really meant, if he meant what his Counſel have ſaid for him he did mean, as the gentleman who now ſits at the bar—I have not the leaſt difficulty in ſaying, that, if it ſhould hereafter happen, that perſons yet in cuſtody, and yet to be tried; if it ſhould happen, that they have gone to lengths, which you ſhall think the gentleman at the bar has not gone to, and, having gone to thoſe lengths, if the ſecurity of the public ſhould require that they ſhould be expoſed to the ſevere animadverſion of the law, I am perſuaded that the mind of no candid man can refuſe its aſſent to this propoſition; that the circumſtance of their having gone to thoſe lengths muſt remain to the laſt hour of the life of the gentleman at the bar, a circumſtance of conſiderable regret with him.

Gentlemen of the Jury, I come now to ſtate to you what I have to offer as the grounds upon which it does appear to me that it is your bounden duty to find this gentleman guilty—I expreſs myſelf ſo—it appears to me that it is your duty to find him guilty; but I, certainly, may err. The adminiſtration of the law of this country, aſſuredly, does not pretend to the excellencies of thoſe fooliſh theories, in which the rights of man, and Governments built upon the rights of man, have their foundation. The law of Great Britain, and the Conſtitution of Great Britain, look to the Government of it, as a Government compoſed for men, and to be adminiſtered by men who have all the infirmities of men; it does not look at the firſt magiſtrate of the Country, for inſtance, as exempt from them; but it clothes him with councils; it aſſiſts him in various ways, in order to give him that perfection, which, as far as is conſiſtent with human nature, human law can give to a human being. I ſay the ſame with reſpect to the Courts of Juſtice; Judges may err—Juries may err—the Proſecutor is more likely to err; but

but what then? we are all to execute, to the beſt of our power, our reſpective duties. We have a great and glorious ſyſtem upon the whole; and, in the diſcharge of your duty, let it be remembered, that whatever opinion I may have formed of the caſe, one of its beſt principles is, that it is infinitely better for the liberties and the ſecurity of the Country, that, in caſes which Juries may think doubtful, five thouſand men ſhould be acquitted; all men knowing, that if they engage in certain ſchemes to certain extents, they are liable to be tried, and have a verdict of guilty or not guilty paſs upon them—I ſay it is a thouſand times better for thoſe liberties and that ſecurity, that priſoners ſhould eſcape, where Juries doubt, though miſconceiving the tranſactions, or not duly applying the evidence, than that one man, about whoſe caſe any twelve men have a fair doubt at the concluſion of the cauſe, ſhould be found guilty, and the miſery of finding him guilty under that doubt ſhould remain upon their minds.

Gentlemen, it is fit that I ſhould alſo ſay upon this caſe, that, if the moſt miſchievous man that ever exiſted in Great Britain was brought to this bar, it is of no conſequence, none in the world, in the trial of the charge that is ſubmitted to the conſideration of the Jury; except ſo far as the tendency and tenor of the actions, which conſtitute thoſe miſchievous qualities in his character, bear upon the charge which the Jury are to try. I diſmiſs, therefore, from this caſe, in one moment, as I did in the laſt trial, every thing that my friends have ſaid about conſtructive Treaſon, analogous Treaſon, like Treaſon, accumulative Treaſons, and Libels.

Gentlemen of the Jury, if you ſhould find, what I am ſorry to ſay, I think, you cannot fail to find—if you ſhould find Libels in every part of this evidence laid before you, which has been publiſhed by this gentleman, yet I have not the leaſt difficulty in ſaying, that you are to try a charge of quite a different nature; and it does not ſignify what the gentleman at the bar has done in the diſtribution of Libels in the Country, provided it cannot be made out to you that he has done that in the

proſe-

proſecution of the deſign which this indictment charges him with.

Gentlemen of the Jury, with reſpect to the indictment itſelf, I have very little to ſay to you upon the law of the caſe, and I tell you why—Gentlemen, I will ſtate to you the law of Treaſon, very ſhortly, as I underſtand it; we live in an age of innovation. I may be wrong as I ſtate this law, for you will always remember, that you are neither to take the law nor the fact from the proteſtations of Counſel, in whatever ſituations they ſtand, whether in ſituations political or not political; they are to ſtate the law to the Court, and in your hearing, that you may afterwards apply the facts of the caſe to the law, and determine, as you ſhall finally conceive, that the law and the facts ſtand upon the whole of the caſe.

Gentlemen, I will not go at length into this queſtion of law, and for this reaſon, becauſe, I ſay, that if the law, upon which this indictment is founded, is not to be taken at this day upon the ground of adjudications and judicial deciſions to be clear law, there is not one man in that box, to whom I am now addreſſing myſelf, can find any law in England upon which he can ſay that his perſonal ſafety is ſecured, that his perſonal liberty is ſecured, or that one ſhilling of property he has is ſecured.

The indictment proceeds upon this ground, that a conſpiracy to depoſe the King is an overt-act of compaſſing the King's death; and perhaps it is an anſwer to a great deal that you have heard from Lord Coke, to tell you that I am ſtating his very comment upon thoſe words, which Mr. Gibbs has read. A conſpiracy to depoſe the King is an overt-act of High Treaſon. Beyond that, I ſay, Gentlemen, that a conſpiracy to levy war is High Treaſon, that is, a conſpiracy to levy direct war; ſuch war, for inſtance, as Mr. Juſtice Foſter mentions. I will read a paſſage to you upon it, at the ſame time telling you that the conſtructions ſtated in that paſſage, are conſtructions which have been permitted for centuries by Parliament, which reſerved to itſelf the declaration of Treaſons not ſpecified in the ſtatute, and fitly reſerved that to itſelf; for I am no advocate for

Courts

Courts of Juſtice taking upon themſelves to ſay a thing is Treaſon, which an Act of Parliament has not ſaid is Treaſon; it is the laſt thing they ſhould be truſted with. Mr. Juſtice Foſter, writing and acting under the view of Parliament, a Judge, by the way, not addicted to any other principles than the principles of liberty; he, following the judgments of his predeceſſors for ages, ſtates this—"Every inſurrection, which "in judgment of law is intended againſt the perſon of the "King, be it to dethrone or impriſon him, or to oblige him to "alter his meaſures of Government, or to remove evil coun-"ſellors from about him; theſe riſings all amount to levying "war within the ſtatute, whether attended with the pomp and "circumſtances of open war, or not; and every conſpiracy to "levy war for theſe purpoſes, though not Treaſon within the "clauſe of levying war, is yet an overt-act within the other "clauſe of compaſſing the King's death, for theſe purpoſes can-"not be effected"—I deſire your attention to theſe words.—"Theſe purpoſes cannot be effected by numbers and open "force, without manifeſt danger to his perſon." And the ſame learned Judge, in another paſſage, ſays alſo this—"The care "the law hath taken for the perſonal ſafety of the King, is "not confined to actions, or attempts of the more flagitious "kind, to aſſaſſination, or poiſon, or other attempts directly "and immediately aiming at his life, it is extended to every "thing wilfully, or deliberately done, or attempted, whereby "his life may be endangered; and therefore the entering into "meaſures for depoſing or impriſoning him, or to get his per-"ſon into the power of the conſpirators, theſe offences are "overt-acts of Treaſon within this branch of the ſtatute; "for"—For what? "For," ſays Mr. Juſtice Foſter, (and the words are repeated by a very great and noble Lord, in the trial of the rebel Lords in the year 1745, when they urged that they did not mean to put the King to death; as it had been alſo urged in Layer's caſe, that, ſo far from intending to put the King to death, they meant to take care of his perſon, and that he ſhould not be put to death, and repeated in Parliament, which has reſerved to itſelf judgment of Treaſons in caſes not

ſpeci-

ſpecified) "For experience hath ſhewn, that between the puniſhments and the graves of Princes, the diſtance is very ſmall."

Gentlemen, the experience of modern times, I am afraid, has not contradicted what Mr. Juſtice Foſter has ſtated here; and now then let me, I beſeech you, Gentlemen, beg your attention, and that of the public, if I durſt in this place addreſs the public, I am not anxious, I proteſt before God, I am not anxious what the verdict in this caſe is, after I have done my duty—but give me leave to aſk you, as men of conſcience, can you heſitate, for one moment, to ſay that principles, ſuch as Major Cartwright ſtated were repreſented to him by the priſoner at the bar, as being his, have a tendency to bring about thoſe Treaſons, which Mr. Juſtice Foſter here ſpeaks of? Why, Gentlemen, what is the Engliſh of what was ſo repreſented? If he meant to effectuate his purpoſe—call it, if you pleaſe, a purpoſe to procure—a repreſentation in Parliament, as moderate, if you will, as Mr. Pitt's plan of a hundred burgeſſes; that plan, which for the purpoſes of the ſedition that this caſe relates to, has been repreſented to all the ignorant people, who have been found in this kingdom, as the ſame as the Duke of Richmond's, or, at leaſt, not diſtinguiſhable from it; let the purpoſe be called, if you pleaſe, that of the Duke of Richmond, or let the plan be, if you pleaſe, ſuch as the gentleman at the bar has ſtated to be his plan, though there is not one act of his life, from March, 1792, that is conſiſtent with the fact of its being his plan, let it be what it will, if the intention of the gentleman was to carry his own project by wilfully combining perſons with him who had other projects, and who would have gone from Hyde Park to Windſor, though he had the intention of ſtopping at Hounſlow; I ſay that, if that was his intention, he is guilty of High Treaſon. Gentleman of the Jury, you will allow me diſtinctly to ſay, that there is not a meaſure of his life, (when I ſtate this, he will again permit me to beſeech him to believe that I mean the meaſures that are now in evidence ſince March, 1792,) as far as I can recollect them, except the ſolitary inſtance of his converſation with Mr. Francis, that has not been directly calculated to

produce

produce this effect. Gentlemen, the diſſemination of Mr. Paine's books, of which I have ſomething to ſay preſently—of Barlow's books—of the letter from Paine to Mr. Dundas—of the letter from Paine to France—of the addreſs of the London Correſponding Society of the 6th of Auguſt, 1792, which neither of my friends durſt ſet their faces to look at—the proceedings in April, 1794, of the London Correſponding Society, which, upon the evidence, I ſtate to you as a creature in the haand of the gentleman at the bar, and the proceedings of the Conſtitutional Society in that ſame month, (April, 1794) to which neither of them durſt ſet their faces, which are not only explanatory of, but the moſt convincing and deciſive evidence of what was intended in the Scotch Convention in the latter end of the year 1793, of what was intended by the meeting at Chalk Farm upon the 14th of April, 1794, of what was intended at the Globe Tavern upon the 20th of January—with reſpect to which laſt two proceedings alſo neither of my friends dared to venture one word of obſervation upon them; I ſay that all theſe meaſures, one and all of them, whatever might be the profeſſed object of the gentleman at the bar, are meaſures calculated to induce an infinite number of perſons (and they actually had that effect) to form themſelves, by affiliation—by combination—by forming Societies, ſeparating again into diviſions—in ſhort, by purſuing the whole ſyſtem of French Jacobiniſm, to endeavour to bring about in this Country ſuch a Revolution as has happened in France. I do not mean the firſt Revolution, that deſtroyed a wretched Conſtitution in the Country, but ſuch a Revolution as has happened in France ſince the Conſtitution was eſtabliſhed in 1791, which had a King at the head of it; and which, you will ſee, theſe perſons foretold, when you come to look at the particulars of the evidence, could not remain with a King at the head of it conſiſtently with the principles that formed the preamble of the Declaration of that Conſtitution. Men in this Country were firſt to be brought to adopt, upon ſimilar principles, a ſimilar ſyſtem of Government, that ſhould have a King at the head of it; but the project in which they were engaged, thoſe who projected it foreſaw, would

 ſurely

ſurely and certainly (and I put this upon the evidence of their own hand-writing) terminate in this Country as it had in France—in the deſtruction of Monarchy, and though Univerſal Suffrage and Univerſal Repreſentation was the firſt meaſure to be taken, yet that was only as a means to that as the ultimate end—the depoſition of the King. If it was to be a means to work the depoſition of the King, I ſay that all they have done are ſo many overt-acts, as well as evidence of an intention, to compaſs the death of the King. Gentlemen, I choſe to explain myſelf thus before I came to the particulars of the evidence; I beg the favour of you, when my Lord ſums up to you, to attend to the addreſs to the National Convention from the London Correſponding Society, and to the addreſs to the National Convention from the Conſtitutional Society, of both which I ſay, upon the evidence again, that the gentleman at the bar is the author, or ſo far concerned in the fabrication or adoption of them, that he ſtands anſwerable at this bar as the author. I collect from theſe addreſſes; and I beg your attention to what I am now ſtating, when my Lord comes to ſum up to you, that that gentleman perfectly well knew, whatever his projects were previous to the year 1789, that it was utterly impoſſible, previous to that period, that a revolution could be brought about in this Country, which was to depoſe the King of the Country; he could not then ſet his heart to the accompliſhment of ſuch a purpoſe as that, becauſe he knew that the means were not within his reach, by which he could accompliſh it. He ſays diſtinctly—that is thoſe, who write that addreſs, ſtate diſtinctly—"When a Republic had taken place in "America, at a great and remote diſtance from this Country, "the refulgence of that Revolution, like an effulgent morning, "aroſe with encreaſing vigour, but ſtill too diſtant to enlighten "our hemiſphere;" that nothing was then to be hoped for—but when the revolution had taken place in France upon the 10th of Auguſt, 1792, he then ſays diſtinctly in theſe addreſſes, that the example of America produced the revolution in France, and that between France and England there was, what he calls in the paper I have to ſtate to you preſently, One Common

Cauſe. He then ſays diſtinctly, that the principles upon which the French Revolution of the 10th of Auguſt, 1792, that day of glorious victory, as he puts it, are the only principles upon which a Government can ſtand; and let that gentleman have ſaid what he might before, you find in November, 1792, that he had no difficulty in then ſaying (I will read the letter to you preſently) when his Society in London was engaged with earneſtneſs in nurſing an infant Society at Stockport—a Society that had held the language, to which I muſt call your attention by and by—"That infant freedom was making Herculean "efforts." He was not now talking of the King during the Regency—not now talking at Lord Hood's meeting—not now talking in favour of the King in the year 1785, or 1782; every one of ſuch periods being thoſe, in which, in theſe addreſſes, he himſelf acknowledges nothing could be done in this Country; but in November, 1792, that gentleman takes the letter, addreſſed to Stockport, which is given in evidence, and in which he tells you—"That infant freedom was making Herculean "efforts;" that the vipers, mark the expreſſion Gentlemen—"That the vipers Monarchy;" what did he mean by that—"and Ariſtocracy, are panting and writhing under its graſp;" and then, this not being ſufficiently expreſſed for him by the perſon who wrote the letter, there follows this paſſage, part of it in that gentleman's own hand-writing; and ſhall he, after that, ſay that he meant nothing but a repreſentation of the people, more or leſs limited? Shall he, after that, ſay that it was his opinion that a King of this Country is a good conſtituent part of this Conſtitution? Then follows, I ſay, this paſſage—"May ſucceſs, peace, and happineſs attend their efforts." Well! but it is ſaid what has this to do with England? Why, I ſhould be glad to know what it has to do with any thing elſe but England? This was in the month of November, 1792. Attend, Gentlemen, to the letter ſent from perſons at Sheffield—the Editors of the Patriot! That Sheffield, which ſent members to the Conſtitutional Society—I do not know whether it ſent members, but which had aſſociated members in the Conſtitutional Society in London; that Sheffield which, at the inſtance

of the Society in London, ſent a Delegate to the Scotch Convention; that Sheffield, in which had been the memorable proceedings of Yorke; that Sheffield, which deſired care and attention from the Conſtitutional Society in London, to the Infant Society at Stockport. Now are theſe places in the kingdom of Great Britain, or in France? If there is any doubt as to theſe proceedings, I beg of my Lord that he will be ſo good, when this cauſe is ſummed up, as to call your particular attention to every paſſage in what I am alluding to—and then decide for yourſelves, whether this is not, in fact, a recommendation from the gentleman at the bar, to treat Monarchy in this Country as a viper, which ought to writhe under the graſp of what is called Infant Freedom.

Gentlemen, I poſitively deny, and I beg my Lord's opinion alſo upon this when he ſums up, ſaying at the ſame time that if any one overt-act in this indictment is proved, the gentleman muſt be found guilty; I poſitively deny that it is at all neceſſary to your finding this gentleman guilty of this indictment, that he ſhould have given his conſent at all to the conſtituting that Convention, to the conſtituting of which he did give his conſent. If it be neceſſary to prove that he did ſo, I ſhall prove to demonſtration. But I go a great deal further than that—for I believe my friend will not deny to-day, any more than he felt a diſpoſition to do ſo a little while ago, that, if ſuch books as Paine's were actually publiſhed in the proſecution of a traitorous intention to depoſe, which includes the intention to kill, the publication of ſuch a work would be an overt-act of High Treaſon. Now I put it to you, and deſire my Lord's opinion upon that alſo, when he comes to ſum up to you, that there are many, many acts done by the Conſtitutional Society, and, among others, the articles of their publications, which, as Jurymen, you muſt ſay upon your oaths, do amount to overt-acts of High Treaſon, in order to incite his Majeſty's ſubjects to depoſe the King.

Gentlemen, I ſay alſo, under the correction of the wiſdom that preſides here, that, if you ſhould even be of opinion that the gentleman at the bar did not mean to depoſe the King, but

that

that on the other hand, he meant to compel the King by force to take a different Parliament than that which the Law and Conſtitution of England has given him, that Parliament—permit me to call upon you to recollect his Coronation Oath—that Parliament, according to the laws and ſtatutes made in which, and the cuſtoms of which, the King is bound to govern, ſworn to govern, and therefore muſt govern—that if ſuch was the meaning, the cauſe is made good. He ought to loſe his life, and I truſt would be willing to loſe his life, rather than to govern contrary to that Coronation Oath. If they meant to compel him by their number, and by their force, to take, without the aſſent of his Parliament, for I deſire I may be underſtood to ſtate it to be without the aſſent of his Parliament, to take another repreſentative body, that intent, acted upon, would be Treaſon, and I apprehend that there are meaſures enough in this caſe to ſhew that there is Treaſon even upon that ground.

Mr. Tooke, What! Is the Attorney General talking Treaſon?—I ſhould be unhappy to miſtake you. Did you ſay the King ought to loſe his life, if he took any other Parliament?

Mr. Attorney General. It is really difficult to decide for one's ſelf, whether this interruption is, or is not, proper.

Mr. Tooke. I aſk pardon of the learned gentleman, and I promiſe I will not interrupt him again during the whole of his reply. I only wiſhed to know whether in proſecuting me for High Treaſon, the Attorney General intentionally ſaid ſomething far worſe than any thing he has imputed to me.

Mr. Attorney General, I am very much obliged to the gentleman—I ſay this—that the King of Great-Britain is bound by his Coronation Oath to govern according to the laws eſtabliſhed in Parliament, and the cuſtoms of the ſame; that he is bound by that Coronation Oath to reſiſt every power, that ſeeks to compel him to govern otherwiſe than according to thoſe laws—that it muſt, therefore, be underſtood, that the King of Great Britain would reſiſt ſuch a power as that—becauſe he would be acting only in the exerciſe of his ſworn duty; and in reſiſting ſuch a power as that, he muſt inevitably loſe his life.

Now, Gentlemen of the Jury, you will permit me here, having ſtated this to you, to ſay, diſtinctly, that I will not conſume one moment of your time, or not above one moment, in referring to the tranſactions of 1780, of 1782, and 1785, with reſpect to certain perſons, who attended meetings in this Kingdom with a view to Reform; whether theſe meetings were conſtituted of Delegates or not; whether theſe meetings were conſtituted or not conſtituted of perſons, ſome being Delegates, ſome not—it does not appear to me that the facts relative to theſe meetings have any poſſible application to the caſe, which it is my duty to ſubmit to you. Gentlemen, I do not ſtate this caſe merely thus, that the gentleman, with the aſſiſtance of his affiliating Societies, as I call them, underſtanding that to be the effect of the proof, meant to bring together a body of perſons, who were to influence Parliament in the way that Mr. Sheridan ſtated that that body of perſons who were to meet in 1782 or 1785 meant to influence Parliament, but I ſay that the caſe that I have to prove is this—that they had no idea of acting upon any degree of influence, which either the number or the affiliation ſhould give them, to induce *Parliament* to take any meaſures; ſo far from it, that they expreſsly ſtated, that Parliament was not to be applied to—that they went to the extent of ſtating, that Parliament could not be applied to, becauſe Parliament was incompetent, upon their principles, even if ſo diſpoſed, to give them relief.

Gentlemen, I do not at all enter, very far from it, into the nature of ſuch a meeting as that Mr. Sheridan ſpoke of yeſterday; and I tell you why I do not—I have had experience enough in life to know, that a man neither does any good to himſelf, nor to thoſe whom it is his buſineſs to addreſs in his profeſſion, by giving his opinion upon a ſtate of meaſures which is not before the Court, in order to bring the Court to a juſt concluſion upon a ſtate of the meaſures which is before the Court. I can very eaſily conceive, that, with very ſmall ſhades of difference one way or other, what was done in 1780, and 1782, or 1785, might be either criminal or innocent; but whether it was criminal or innocent it is not my duty to diſcuſs here, becauſe, I ſay,

I ſay, it is nothing like the caſe I have to ſubmit to your attention—For the caſe which I have to ſubmit to your attention is this—that the Conſtitutional Society in London, or, as I ſhould rather ſay, to do juſtice to the ideas which occur to me, as the effect of this evidence, the gentleman now at the bar ruling that Conſtitutional Society, and modelling the Correſponding Society, and governing, to the extent in which I hope to ſatisfy you from the evidence, he has governed, the affiliated and aſſociated Societies here (for I will give him credit that there are no Societies in France, though the evidence will hardly enable me to believe it, and that there are no Societies in Ireland in connection with the Societies here)—but governing the affiliated Societies in England, that he meant to bring about a Convention of the people as early as the 16th of April, 1793—a period I deſire you will never loſe ſight of; that it was avowed, in his Society and the Correſponding Society, that this was not to be a Convention which meant to apply to the executive magiſtrate—which meant to apply to the Parliament, but a Convention which, by its own power and ſtrength, was to alter the Government of this Country: this was the project, not generally ſo early as 1793; but, I ſay, as to this gentleman, it was avowed to be his purpoſe as early as the 6th of Auguſt, 1792. He was conſulted upon the Addreſs of the Correſponding Society of the 6th of Auguſt, 1792, which avows this purpoſe; and I ſay that he made that Addreſs, to all intents and purpoſes, his own.

I cannot, however, part with this circumſtance about the aſſociated Societies in France and Ireland without ſaying one word about them. It was, as I underſtand it, the tenor of the gentleman's croſs-examination of the witneſſes upon the firſt night to intimate, that it was all moonſhine when they talked of twenty thouſand copies being diſtributed of ſome things, and an hundred thouſand copies of others, and twelve thouſand of Paine's works, and ſo on—that they meant nothing at all by it. Gentlemen, I know this, that the Revolution in France was, in a great degree, brought about by things that had preciſely the ſame meaning. Men were taught all over the Country

that there were a hundred thouſand people here willing to concur in given meaſures, fifty thouſand there, and a hundred and fifty thouſand in another place; this was done, which no moral man can juſtify, by the publication of papers, importing, that the number of the members of the Societies required a thouſand copies of one paper, and ten thouſand of another, and a hundred thouſand of a third; and the public were made to believe, that the perſons engaged in their ſcheme were infinitely numerous.—Why! becauſe thoſe who wiſhed that ſuch a notion ſhould be received, meant that the Country ſhould act upon that perſuaſion in the manner that men, who believed ſuch to be the truth, were likely to act; and that the Country ſhould do that miſchief which they were perſuaded perſons, conceiving their party ſo numerous, would be willing to do. Now you will give me leave to begin with the firſt piece of evidence that is ſtated to you. Firſt of all, I ſhall remark to you this, that my learned friend, who ſpoke laſt, has ſaid—and I deſire, on the part of the public, to have the due advantage of it, and no more—he has ſaid, that when we call witneſſes that ſpeak in the manner that Mr. Sharpe and Mr. Symonds did, you muſt give full credit to thoſe witneſſes on the part of the priſoner. I agree to it, Gentlemen; but permit me to call your attention to this circumſtance—My friend, when opening the caſe on the part of the gentleman at the bar, ſaid, "Why, Mr. Hardy "was acquitted, and therefore I can call him as a witneſs." He afterwards ſaid, "I wont call him as a witneſs in this "cauſe; but that as againſt Mr. Lovett the bill was not found, "therefore I can call him as a witneſs." He will give me leave to add, that he might have called as witneſſes every man of the Conſtitutional Society who was preſent; and you will find clearly ſixteen, eighteen, or twenty in number, preſent at almoſt every meeting: he might have called every individual of the Conſtitutional Society to have proved any one circumſtance which it was material for the caſe of Mr. Tooke to prove. He has called not one, according to my recollection, but Mr. Symonds, who moſt undoubtedly did not know one tenth of the facts that the gentleman had been engaged in; from whom I

wont

wont ſay they have been ſtudiouſly concealed, but it is enough for me to ſay, in point of fact, he did not know them, though a member of that Society.

Lord Chief Juſtice Eyre. Except Captain Harwood.

Mr. Attorney General. And, with reſpect to Major Cartwright, and Captain Harwood, in the firſt place, Major Cartwright, I am extremely ſorry to ſay, it is not my practice; I believe thoſe who know me, know it is not, to ſpeak of any gentleman, unleſs the evidence in the caſe requires me to mention his name; but, it is clear, that, in theſe tranſactions, between March, 1792, and May, 1794, Major Cartwright himſelf is implicated to a very conſiderable degree: you will likewiſe recollect what he ſaid to you. But you will allow me to ſay, with reſpect to Captain Harwood, that he proved the truth of the caſe on the part of the Crown; for you will recollect, and I call your attention to that letter of the 16th of April, 1793, which I ſay is a clue to theſe proceedings from beginning to end; Captain Harwood himſelf proved, that the letter from Norwich was delivered to him to be anſwered; that he ſent it to another gentleman; that, when he came to the Society afterwards, he found an anſwer prepared to that letter, and that that anſwer was ſent with the conſent of Captain Harwood.

But it is ſaid, Gentlemen, that Mr. Hardy has been acquitted. Gentlemen, upon what principles that Jury went which acquitted him I do not ſtay to enquire. I repeat it again, that my opinion about any caſe ought to lead me no further than to determine this—whether it is fit that I ſhould appear here as a proſecutor. I did my duty with reſpect to Mr. Hardy; I entertain no manner of doubt (becauſe I cannot do it without a violence to the Conſtitution of my Country) that the Jury were fully convinced that they did theirs. I have no doubt that that they will always, upon reflection, feel that they acted as honourable men towards their Country; and, with this diſpoſition towards them, I hope and truſt that they did not think I acted as a diſhonourable proſecutor towards the priſoner at the bar. But very, very widely different indeed are the circumſtances of the caſe of Mr. Hardy, and the circumſtances of the

caſe

caſe of Mr. Tooke. I am ſure my Lord will remember it—that, though he ſtated, and rightly ſtated to the Jury, that in law Mr. Hardy was a principal in the caſe, yet he ſtated that there were few circumſtances that were ſufficient to connect Mr. Hardy further than the office of Secretary connected him with theſe men. I ſay, and ſpeak it with great deference to my Lord, becauſe there is no man who wiſhes to be more reſpectful than I do to Courts, and more eſpecially where I know it ſo well deſerved from me—I ſay, upon a review of the evidence, there was a great deal more affecting him than was actually recalled to the conſideration of that Jury. But, be that as it may, Mr. Hardy ſtood in the ſituation of Broomhead; and it is poſſible perſons may be told in London what perſons were told in Sheffield—that a Secretary was not to put a negative upon the proceedings of the Society. This I am entitled, I think, to ſay, with reſpect to that gentleman, that it was quite impoſſible that he could miſunderſtand the proceedings he was about. Now, if Hardy be a witneſs competent in law to be called, I ſhould be glad to know why he has not been called to explain the tranſactions in March, 1792, with reſpect to the Conſtitution of the Correſponding Society—with reſpect to thoſe reſolutions that were ſent to the Conſtitutional Society, with the name of "Hardy, Secretary," in the hand-writing of Mr. Tooke. I ſhould be glad to know why he is not called to ſatisfy you that the Conſtitutional Society, of which he had become a member as early, I think, as July, 1792, when they ſent that famous letter of the 16th of April, 1793, to Norwich, had not communicated their purpoſes, either by Mr. Tooke or any body elſe, to the London Correſponding Society, which ſent a letter of the ſame purport and import to the ſame Societies at Norwich, namely, that they were not to look to the King—not to look to the Parliament, but to look to a Convention. I ſhould be glad to know why Hardy has not been called to prove to you that neither the Conſtitutional Society, of which he was an aſſociated member, nor the Correſponding Society, of which he was an original member, either knew or meant that Margaret, who was a member of both—that Gerald, who was a

member of both—that Sinclair, who was a member of one, ſhould do thoſe acts, which I do aſſert to amount to Treaſon in the Scotch Convention. I ſhould be exceſſively glad to know why neither Hardy nor Lovett have been called to ſtate to you that Mr. Tooke had no manner of concern with the tranſactions at the Globe Tavern, on the 20th of January, 1794. I ſhould be glad to know why, with reſpect to the tranſactions of the 17th of January, 1794, no man has been called to tell you that Mr. Tooke, when he left the chair, previous to that offenſive reſolution with reſpect to Jeffries, which might have produced conſequences in another part of this Country that one ſhudders to think of—that when he left the chair, and when that Mr Gerald came into the chair, who was a member of that Scotch Convention, and who was in the ſame room with Mr. Tooke, who is ſuppoſed to know nothing about the proceedings of the Scotch Convention—I ſhould be glad to aſk why none of the numerous perſons preſent at that meeting were called to tell you that Mr. Tooke not only left the chair but the room, and knew nothing of theſe reſolutions. It does not belong either to the gentleman himſelf, with his great talents, or to my learned friends who defend him, not to know that all this is exceſſively material; and my learned friend let it out in his opening to you, that he would not call Hardy in this caſe but he would call him in the next. He propoſed to call Lovett, who could have told you who were the perſons connected in the proceedings at Chalk Farm, and he has not ventured through the cauſe to call him. And I aſk you, Gentlemen, if, when you come to conſider the proceedings of the 24th of January, 1794, in which "the moſt excellent Addreſs" of the London Correſponding Society, the ſubſtance of which I will ſtate to you preſently, is approved by the Conſtitutional Society, and approved in the hand-writing of Mr. Tooke himſelf—I ſhould be glad, Gentlemen, to know why none of the perſons preſent at that meeting were called to prove what the words "the moſt "excellent Addreſs" meant. I defy human incredulity to doubt that they meant the Addreſs of the London Correſponding Society of the 20th of January, 1794; and I aſk why was not

Lovett

Lovett called to prove that Mr. Tooke had no connection with the tranſactions which took place at Chalk Farm; the reſolutions in the Conſtitutional Society of the 27th of March, 1794, ſtating, expreſsly, that they are to have that meeting at Chalk Farm; connecting, therefore, Mr. Tooke with that meeting at Chalk Farm; and yet they have not dared to call one man of either Society, neither of the Conſtitutional nor of the London Correſponding Society, to ſay that Mr. Tooke had no connection with all theſe proceedings from Auguſt, 1792, down to the time at which I am now ſpeaking. Gentlemen, give me leave to ſay, that the obſervations that have been made on the evidence produced on the part of the Crown, compared to the fair effect, to the legitimate inference that is to be drawn from their abſtaining from this evidence, are mere chaff, and muſt ſtand for nothing.

Give me leave now to apply myſelf to the evidence. Gentlemen, you have had ſtated to you the conduct of the gentleman at the bar with reſpect to the Revolution Society, I think, in 1790; now, here again, I make another obſervation upon the defect of evidence—for obſervations upon the defect of evidence are frequently as weighty as obſervations upon evidence actually produced. It appears to you in evidence, and I beg your attention to it—and I humbly beg my Lord's attention to it—that the Revolution Society muſt have ſent an Addreſs to the French upon the French Revolution in the year 1790. Gentlemen, I ſay now when I think of it, that I totally and abſolutely deny that a correſpondence with a foreign Country not at war, cannot be, merely becauſe the Country is not at war, an act of compaſſing the King's death. If perſons correſpond with a foreign Country not at war with the King, with intent, however, that miſchief ſhould be done, and with intent to create diſturbance in this Country (and it is utterly impoſſible, I think, unleſs you are bewildered with the vaſt quantity of evidence before you, that you can doubt that a correſpondence of that ſort has been carried on), ſuch a correſpondence may be an overt act of compaſſing the King's death, within the ſtatute of Edward the Third; and if I do not make it out to be a compaſſing of the King's death, within the ſtatute of Edward the Third, I would

rather

rather ſuffer the pains of Treaſon myſelf than call upon you to find a verdict againſt that gentleman.——Gentlemen, you have had nobody produced to you to ſtate what the Addreſs I have been ſpeaking of contained, nor what it was that occaſioned this Addreſs to the French at a remarkable æra in their hiſtory. The ſubſtance of this Addreſs in 1790 might give their true character to the proceedings of 1791 among the Societies here.

Gentlemen, the Conſtitution of France in the beginning of the year 1791, which was formed with a preamble to it, almoſt *totidem verbis* as that which introduces the reſolutions of the Southwark Society, which are entered in the London Correſponding Society's book. That Conſtitution of 1791 was built upon what had been called in France, and, with ſome degree of abſurdity, every where, the rights of man—the rights of equal active citizenſhip; a right, which the gentleman at the bar, in his letter to Lord Aſhburton, does not ſeem to have thought need at leaſt belong to any body: he then thought that there was a difference between an equal right to a ſhare, and a right to an equal ſhare of Government; but the Conſtitution of France of 1791 was built upon the principles of the rights of man, and this right of equal active citizenſhip. I have proved to you that Paine was an honorary member of the Conſtitutional Society—that Mr. Tooke was a member of the Conſtitutional Society; I never told you that he was the father of the Society: my friend miſunderſtood me as to that. I certainly could not be ſo ignorant of its hiſtory as ſo to ſtate it—that Mr. Barlow was an aſſociated member of that Society upon the recommendation of Mr. Tooke—that one and all of them foreſaw that the rights of man could not be acted upon together with the exiſtence of a King in France; and the whole tenor of the evidence proves, that they endeavoured to introduce into this Country a Government founded on the rights of man; to enliſt the lower orders of men in a project by their phyſical ſtrength, as I ſhall prove by and by, to bring about in this Country a Conſtitution founded upon the rights of man—reaſoning thus, that becauſe in France the Conſtitution, founded upon the rights of man, muſt neceſſarily reject a King, as it did in 1792, therefore, if

they

they could get a Conſtitution in this Country, founded upon the ſame principles, a King muſt finally be rejected here. It was not the Conſtitution that they looked to, for, though that was the immediate object, yet the remote and ultimate object to which they looked, was the depoſition of the King of England, as the King of France was to be depoſed by the operation of the principles upon which the Conſtitution was formed. I am ſure that you muſt have been ſurpriſed, and that all muſt be ſurpriſed who read the addreſs, which is in evidence, to the Friends of Liberty aſſembled together at London upon the 14th of July, 1791, to celebrate the French Revolution, where the free Citizens on the banks of the Loire, addreſs their teſtimonies of brotherhood, and of good-will, to the noble ſons of liberty who inhabit the happy ſhores of the Thames. They then ſtate—

"Whilſt an impotent band of the factions are actively employed in "the heart of France, and the proud nobles are carrying the poiſon "of their calumny into foreign ports, whilſt the prieſts are "labouring to rekindle, by their peſtilential breath, the ex-"tinguiſhed torch of fanaticiſm, and the firſt of our functionaries "has given to the people the example of diſregarding his oath, "our wiſhes and our ſentiments lead us towards you, generous "ſtrangers, who are engaged in celebrating the French Revo-"lution; a happy preſage of the revolution of the world. But "why ſpeak we of you as of ſtrangers, you are our friends "and our brethren; thoſe only are ſtrangers to us who deſert "them, and who excite wars in order to perpetuate their ty-"rannical dominion, and to rivet the chains of nations. The "decrees which have eſtabliſhed the French liberty, have been "like the trumpet ſounding the reſurrection of the world; at "our voice the nations have raiſed their degraded fronts, tyrants "have turned pale upon their thrones, and ſuch is the probable "effect of this great revolution, that in a ſhort time nothing "will be remaining of them but the ſorrowful and ſhameful "remembrance of their faults, and of their crimes. Let the "great ultra montane Bramah excommunicate us, his impotent "thunders will only ſerve to enkindle the fires which, in "France, conſume his effigy. We deſire to live in the ſame

"com-

" communion with all the friends of peace, and of liberty, and " the oppreſſors of the people are, in our eyes, the only ſchiſ- " matics." And then they ſtate to this Society in London the addreſs which I am now reading to you—" With what inexpreſſi- " ble pleaſure have we ſeen your brave countrymen, our happy " precurſors in the cauſe of liberty, who reſide in France, en- " rolling themſelves under our ſtandards, and augmenting the " number of the members who compoſe thoſe Societies." Now attend to this—this is addreſſed to Engliſhmen—" formed on " the pure principles of citizenſhip, of which" what?—we in France?—No, " of which you were the firſt inſtitutors, and " which are the unſhaken column of our ſublime Conſtitution. " When a few years are elapſed we ſhall ſee the two firſt nations " of the earth, England and France, united together in a holy " league to avenge the human race of thoſe unpuniſhed outrages " which have diſgraced it during ſo many ages."

" Generous Britons, love us, and unite yourſelves with us, " and the world will be free and happy."

At what period it was that Paine came over to this Country, I am not able to aſcertain to you, but this is clear upon the evidence, that he frequently attended this Conſtitutional Society. It is clear alſo, upon the evidence, referring you to that paper, in which Mr. Tooke modified the Conſtitution of the Corre- ſponding Society, and to that paper, to which he ſigned the name of Hardy, that Mr. Tooke was likewiſe the author of the Correſponding Society. Permit me to make a remark here—that the Society for Conſtitutional Information aſſociates with itſelf twelve members of the Norwich—aſſociates with itſelf twelves members of the Sheffield Society, and of many other places, not one of whom are called to you, even to prove that they knew of the fact of the aſſociation, nor to contradict the ſuſpicion, for I ſtate it as ſuch, that ariſes upon the letter from Sheffield, in which you find occaſionally the hand-writing of Mr. Tooke, not one perſon is called to you to prove that all this aſſociation and affiliation was not the work of the gentleman at the bar. At firſt you ſee aſſociated the London Conſtitutional Society with the London Correſponding Society, with

with the Sheffield, Manchester, and Norwich Societies; you find afterwards that they connect with Derby, with Leeds, with various parts of this kingdom, and various parts of Scotland. Look now to their correspondence—What is the nature of it? Now, Gentlemen of the Jury, how am I to argue this? I wish to do it with respect to the gentleman, but I do not know how to express myself. An attempt has been made to inform you that he not only is not a friend to Universal Suffrage; that he not only is not a friend to the destruction of Monarchy in this Country, but that he is a friend to a limited Reform of the Representation in Parliament, with a Monarch in the Country; and I say, if that Reform is to be brought about by force against the King, it is High Treason. Gentlemen, how does this matter stand? I beg your attention, without reading them all to you, to the communications with Norwich, and from Norwich—to the communications with Manchester, and from Manchester—to the communications with Sheffield, and from Sheffield—to the communications with and from all the different parts of this kingdom; which have communicated with the Constitutional Society, which I say is the mother Society of them all. How is it to be reconciled to the design of persons, meaning well to the present establishment in their Country, that the only works which they should circulate by their addresses to each other, are such works as the works of Paine—the Rights of Man, part the first, and part the second? Gentlemen, I call upon my friends again to state what it is that they could mean by circulating these works, if they were sincere in the intentions, which the evidence on the part of the defendant is supposed to bring before you? It is not in the power of any man living, I defy the most ingenious man that exists, to prove that either the one work or the other, take the whole together, is not a recommendation of the destruction of Monarchy, and of the destruction of Monarchy in this Country in particular? But it does not rest there. You have had a witness who stated to you what were the parts that were prosecuted. And you have observed what a shift my friend was put to, to account for their publication of these works, The Rights of Man?

I had

I had no difficulty in saying that it is a question proper to go to a Jury, whether the publication of the second part of the Rights of Man, of the letter of Paine to the people of France, and of the letter of Paine to Mr. Dundas, as applied to this Country, were not published by the Constitutional Society for the purpose of overturning the Monarchy of this Country, and whether Paine was not defended with the same intent. Paine, you have seen, was prosecuted for the parts of his books, most directly attacking the Monarchy, and the Monarchy of England, for it was the family that came from Hanover, the family that came from Zell—it was the Monarchy of England, and the Monarch of England that he reviled. The Societies distributed his books, these friends to Universal Suffrage—these friends to the Viper Monarchy distributed his books.

Gentlemen, what do you think of men of talents acting thus? And professing themselves friends to the Monarchy? What would my friend think of himself, if he had been communicating in the manner proved in this cause, with Broomhead at Sheffield, and with such persons as you have seen from different parts of this Country, professing an intention, to recommend nothing upon earth but Universal Suffrage—to recommend nothing but loyalty to the King? I am persuaded there is nothing that I could say hard of my learned friend so acting under such professions, that he would think hard enough to be said of him. I cannot apply this sort of language to the prisoner; the humanity of the English law will not allow me so to do, but I feel this part of the case as a part most essentially requiring your consideration. Paine's works were published by different Societies in England, and recommended in thousands, and hundreds of thousands of copies printed for the very purpose of infusing the doctrines they asserted, into the minds of the people of Great Britain, into the minds of the most illiterate of the people—Do recollect what sort of men compose these Societies in the Country! There is not, Gentlemen, an individual in this Country, who is not entitled to the providence of the law, and to the regard of the Legislature, and the protection of the chief magistrate of this Country, as much intitled as the proudest man in it. In their several

ſituations they are all uſeful and reſpectable, and God forbid that I ſhould ſtate one ſingle word that looked like diſreſpect to any fellow ſubject in this Country! If then publications had been addreſſed to perſons in this Country, who having, with others, a common intereſt in ſupporting the Monarchy of the Country, felt that they had an intereſt in ſupporting the Monarchy, by knowing upon what principles the Conſtitution reſts; by knowing, not only from experience, its value, but who were able to account for that experience by juſt concluſions and reaſonings upon the nature of Government; if theſe books had been addreſſed to ſuch men, and ſuch only, or if theſe books, dangerous as their doctrines are, had been even publiſhed in the ordinary modes of publication, one durſt not then call them meaſures taken in the courſe of a conſpiracy to overturn Government—but when ſuch books are addreſſed to men, who cannot poſſibly underſtand the diſtinctions that are to be taken between the different parts of them, and by men who do not explain upon what doctrines contained in them they do, and they do not mean to act, it appears to me that nothing but a purpoſe of miſchief could be intended to be anſwered by their meaſures; and if there wanted a demonſtration that they propoſed miſchief beyond what ariſes out of the contents of their publications, that demonſtration is furniſhed by their holding out to mankind that their publications are more numerous, and the circulation of them more ample than they themſelves knew them to be. Give me leave call your attention to the letter of Mr. Barlow, of the 6th of October, 1792. I beg your attention to that letter, when ſummed up to you. It contains, in truth, the eſſence of this ſyſtem of conſpiracy. Joel Barlow, a co-member of the Conſtitutional Society with Paine, introduced to that Society, as appears by the books, by Mr. Tooke, upon the 6th of October, 1792, writes to the Conſtitutional Society, and informs them that that event had taken place in France, which was expected to take place in France, in conſequence of their having adopted the principles of the Rights of Man; he ſtates to them, in effect, that it had been the reaſoning of the Conſtitutional Society that ſuch would be the caſe.

He

He ſtates that the principle of their Society was to enlighten, and, by enlightening, to precede and preclude (he certainly uſes the word "preclude") the exertion of phyſical ſtrength—and what is it that his book ſays? Now I muſt add, that upon all theſe publications my friend did not ſay one word, and his learned coadjutor did not ſay more than a word! What is his book to prove? Why his book ſtates, that the depoſition of the King of France was the neceſſary conſequence of the principles of that conſtitution, founded upon the Rights of Man, which had attempted to create in Europe ſo abſurd a thing as a Royal Democracy, and that they were now about to get rid of their King. And this does not relate to the Monarchy of France only. I beg your attention to that. It is a recommendation to the people of England to do the ſame act, as an act grounded upon the Rights of Man—Does Mr. Tooke upon that ſay why, Mr. Barlow, I have been at meetings in 1780, in 1782, and 1785—at a meeting about the Regency—at a meeting of the Conſtitutional Society—at a meeting at Lord Hood's Club; and I have ſtated myſelf, at each of theſe meetings, a friend to Monarchy, and put on a coat with an orange cape; how can I receive this communication from you? of a work ſo nefarious as this, without proteſting that, being a friend to limited Repreſentation and Monarchy, ſuch a book as this ſhall not go out under the auſpices of this Society? Is that ſo? On the contrary, Mr. Tooke, with all the loyal principles he profeſſed previous to 1792, conſented to a vote of thanks to Mr. Barlow for this work—to that Mr. Barlow, whom Mr. Tooke introduced into this Society, and not only a vote of thanks, but the addreſs of Mr. Barlow, and the anſwer of the Conſtitutional Society are ordered to be publiſhed in the papers! Now for what reaſon was that? For no other reaſon than this—that thoſe perſons, who were pretending to mean nothing but limited Repreſentation, wiſhed to call the attention of the public to a work, in order to miſlead the minds of the public, which recommended moſt diſtinctly the deſtruction of Monarchy in the Country.

Is that all? Mr. Margarot and Mr. Hardy, being the two

leading members, give me leave to ſay, of the Correſponding Society, which Society, as I before ſubmitted to you, was created, or, if not created, modified by Mr. Tooke, they, upon two days I think in Auguſt or September, write to Mr. Tooke to know his opinion about a declaration to the National Convention in France. Now here is a remarkable circumſtance! In June or July, 1792, when the principles of the French Conſtitution of 1791, had not yet rooted out of the Conſtitution the King of that Country, the Conſtitutional Society never thought, not they, of addreſſing the Government of France, that had a King in it. They, therefore, addreſſed the Club of Jacobins; but no ſooner is a King depoſed in that Country, than at that moment the Correſponding Society, writing to Mr. Tooke upon the ſubject, propoſe to addreſs the Government of France, which had no longer a King, and the Conſtitutional Society forthwith addreſs the Government of France, ſo circumſtanced with reſpect to royalty, as I have ſtated. Gentlemen, I beg leave to aſk you what this means? I will not go through their two addreſſes again, by ſtating them, but I ſay I diſtinctly aver, and I beg and entreat your attention to it, theſe addreſſes are to all intents and purpoſes an expreſſion of a wiſh of co-operation with thoſe Societies, and thoſe perſons in France, who had depoſed the King there, to do the ſame here. You hear in this of the hope of an alliance—" Not of " the three Crowns" (mark the expreſſion) of England, France, and America, " but a triple alliance of the people of England, " of France, and America." You find in that addreſs of the Conſtitutional Society, that when republicaniſm had taken place in America only, its effulgence could not enlighten the Continent of Europe, but, when this example had been followed in France, then, ſay theſe Societies, mankind are to become free—then, ſay they, we are fellow labourers in the ſame common cauſe with you, and being fellow labourers in the ſame cauſe, " Britons, five thouſand Britiſh Citizens," ſays one addreſs—ſays the other, " our hearts are with you, millions are for you—" Britons, who are not yet free, are ſoon to become free"—and why? Becauſe the principles of the Rights of Man have

worked

worked a King out of the Conſtitution of France; and, that example being ſet in Europe, we may hope, will work a King out of the Conſtitution of Great Britain. I refer you to theſe Addreſſes; I inſiſt no man can put any other conſtruction upon them.

But is this all? Had not theſe gentlemen, and had not this gentleman at the bar, as early as September, 1792, an intention of bringing about a Revolution in Great Britain by the efforts of a National Convention in England? Now, give me leave to call your attention to what it is that Mr. Froſt, and that ſame Mr. Barlow—who had written that pamphlet—who had been introduced by Mr. Tooke into this Society—who had ſent that book, and had received the thanks of the Society for the book—what is it that this gentleman ſtates to the National Convention of France; and then give me leave to aſk you whether the project of a Convention to be held in England for the purpoſe of overturning the Monarchy of England, or at leaſt its preſent Conſtitution, and its King with it, as far as he is to be at liberty to exerciſe any power of regal Government, was not in the contemplation of this gentleman in October, 1792, as the neceſſary effect of what had happened in France? Gentlemen, give me leave to aſk you here another queſtion—What is the reaſon why Mr. Froſt, ſitting in Court great part of this trial, has not been called to explain this tranſaction? As early as October, 1792, Mr. Froſt ſays—" Citizens of France, we are " deputed by a patriotic Society in London, called the Society " for Conſtitutional Information, to congratulate you in their " name upon the triumphs of liberty. This Society had la- " boured long in the cauſe, with little proſpect of ſucceſs," (Gentlemen, mark theſe words) " before the commencement " of your Revolution;" that is, your Revolution of the 10th of Auguſt, that glorious victory. Now, do I do them injuſtice, when they ſtate this at the bar of the National Convention; and when, in the Addreſs from Nantes, the Society there ſtate that the Conſtitutional Society in England were the firſt inſtitutors of the principles upon which the final Revolution in France had taken place?—" this Society had laboured long, with little

" prospect of success, before the commencement of your Re-
" volution. Conceive then their exultations of gratitude,"—
that is, of the gratitude of this Society—" when, by the
" astonishing efforts of your nation, they behold the reign of
" reason acquiring an extention and solidity which promised
" to reward the labour of all good men, by securing the hap-
" piness of their fellow-creatures." Now, I beg your attention to the next passage; this is addressed to the President of a National Convention in a Country that has rejected Monarchy; and you, Gentlemen, giving me that attention, which I call upon you by your oaths to give me, I call upon you to make true deliverance, according to the law of England, between this gentleman and the Country, whether I have not, under their own hand, a declaration of their own purposes: " Innumerable
" Societies"—this is to the National Convention—" Innumer-
" able Societies of a similar nature are now forming themselves
" at this moment in every part of England, Scotland, and
" Ireland: they excite a spirit of universal enquiry into the
" complicated abuses of Government, and the simple means of
" Reform." Does that mean an application to Parliament? No. This is an Address to a *National Convention*, the character of which I shall give presently, from the gentleman at the bar himself. " After the example France has given,"—now what is to become easy do you think?—" the science of Revolution
" will be rendered easy, and the progress of reason will be rapid.
" It would not be strange if, in a period far short of what we
" shall venture to predict, Addresses of felicitation should cross
" the seas"—to what?—" to a National Convention in Eng-
" land."

Now, I ask you how that National Convention in England was to be brought about? Was it not to be brought about, upon the principles of this gentleman, by these Societies, which they state to the French National Convention were forming in this Country: and upon the same system, for these are the words, upon which the National Assembly in France then existed? What was to be the effect, Revolutions becoming easy in consequence of the introduction of that system upon which these

Societies

Societies were forming? Why is there to be a National Convention in England, ſuch as the National Convention in France, to which Addreſſes were to be ſent from France? Did the Preſident miſunderſtand them? It would be a moſt extraordinary circumſtance to make it material that this was not a time of war; and this deſerves your attention; for I ſay it is totally indifferent with reſpect to the effect of this evidence; and I beg and entreat I may have the correction of my Lord, that I may not be wrong in ſtating, that it is wholly indifferent to the view in which I am repreſenting the caſe, viz. to ſhew that this Society had a project of a Convention, as contradiſtinguiſhed from Parliament, to overſet the Government of England; that this did not take place in a time of open war. Can an Engliſh Jury miſtake the intentions of this gentleman, when the Preſident of the French National Convention ſo clearly underſtood them? Had he any views but thoſe of the ſubverſion of the Monarchy of the Country? Give me leave to tell you how that Preſident addreſſes Froſt and Barlow; and both theſe gentlemen might have been called by this gentleman at the bar to explain this tranſaction. Hear the anſwer—"Brave children of "a Nation which has given luſtre to the two worlds, and great "examples to the univerſe, you have addreſſed us with ſome-"thing more than good wiſhes, ſince the condition of our "warriors has excited your ſolicitude."—Now, mark the next paſſage! Is this a fit thing for an Engliſhman—a friend to limited repreſentation—a friend to the Monarchy of his Country, to ſuffer to come into his poſſeſſion?—an Addreſs from the National Convention, which had depoſed a King, in a Conſtitution with a repreſentation as extenſive as might be——"The de-"fenders of our liberty," that is, thoſe who now defend our French liberty; and, for God's ſake, who were they?—"will "one day be the ſupporters of your own;" Gentlemen, I beg your attention to the interpretation of this paſſage, when I come to read one or two other Addreſſes from that Country—"you "command our eſteem, you will accept our gratitude; the ſons "of liberty through the world will never forget their obligations "to the Engliſh Nation." Here is what I do not like to apply

a hard word to, in the caſe of a perſon ſtanding charged with a crime; but here is the effect of that fraud which I complain of in their publications, and their miſrepreſentations of their numbers. Indeed, Gentlemen, this is a moſt ſerious part of this caſe; for, when you recollect what the French Convention did, I think, upon the 15th or 19th of November or December, 1792, when they came to a decree that they would ſupport all people, in all countries, who were pleaſed to aſſert their liberty againſt their Conſtitution, no man living can ever ſeriouſly heſitate whether theſe very Addreſſes were not one cauſe of the calamities of this Country in which we are now involved.—"What they owe to the Engliſh Nation;" now, who were this Engliſh Nation, whoſe character theſe clubs dared thus to aſſume? why, you ſee what they are, and who they were; and this gentleman now at the bar is to tell you that their numbers were ſmall, their funds inconſiderable; though I ſhall ſhew you, by and by, that they thought, or repreſented that they thought, that they amounted to the repreſentatives of 700,000 males in this Country. They, defending themſelves now againſt this charge, are pleaſed to turn into ridicule the numbers and funds of the Society, by obſervations, which I ſhall ſatisfy you preſently have nothing upon earth to do with the real merits of this cauſe; and yet they have no difficulty to repreſent themſelves, ſpeaking to the Government of France, ſpeaking of the Government under which they live as the Engliſh Nation. They then proceed thus—"The ſhades of Pym, of Hamp-"den, and of Sidney are hovering over your heads, and the "moment cannot be diſtant when the people of France will "offer their congratulations to a National Convention in Eng-"land."

Now, I would aſk you, Gentlemen, if the Preſident of the National Convention of France, ſuch as it was at that day, when it was addreſſing itſelf to Mr. Froſt and Mr. Barlow, ever thought of ſending an Addreſs to a National Convention of England, like thoſe Meetings or Conventions which were talked of in the year 1780 or 1785, which were to ſubmit to the Parliament of Great Britain the petitions of the people,

with ſuch effect as thoſe petitions preſented by Delegates, rather than by individuals, might have.

Gentlemen, I feel this as a grave part of the caſe, I will preſs nothing improperly, but I deſire the caſe may be as gravely heard as I ſhall ſtate it. What ſays the Preſident, again—"Generous Republicans, your appearance in this place will "form an epoch in the hiſtory of mankind; hiſtory will conſe-"crate the day when, from a nation long regarded as a rival, "and in the name of a great number of your fellow-citizens, "you appeared in the midſt of the repreſentatives of the people "of France, and ſhe will not forget to recount that our hearts "expanded at the ſight. Tell the Society which deputed you, "and aſſure your fellow-citizens in general, that in your friends "the French you have found men." Now, did the gentleman at the bar do otherwiſe, with reſpect to this, than he had done with reſpect to the publications of Barlow and Paine? By the way, I forgot to tell you that, though he diſliked theſe publications of Paine ſo much, as far as they related to Monarchy and Ariſtocracy, he had no objection, as Jordan's evidence ſtates, to be conſulted about the publication of them—he had no objection to go, as Chapman ſtates, with Paine to the Bookſellers while they were printing—he had no objection to ſend them forth, as far as communications made by the Society, as far as the Society for Conſtitutional Information could ſend them forth, in their imperfect ſtate, and without one hint how thoſe to whom they were addreſſed could diſcriminate the bad from the good parts. Had he any objection to receive this communication from the National Convention of France? Had he any objection to being conſidered as a generous Republican by the Preſident of the National Convention of France, which, for important reaſons, he has an objection to being conſidered by a Jury of his own countrymen now? Did he tell Mr. Froſt—Sir, you have miſtaken this errand as our Delegate; you have miſtaken the errand to the Convention in France? Did he tell Froſt he had exceeded his commiſſion? Did he tell Froſt that he had been guilty of a daring abuſe of the confidence placed in him, ſo to ſtate them to the Preſident of the National Convention?

and

and that, in addition to the guilt of that daring abuſe, he was guilty of a daring inſult to bring him back ſuch an anſwer? No! But, as they had thanked Mr. Paine in the books of the Society for Conſtitutional Information, and had ordered 12,000 copies, in one inſtance, of a work of Paine's to be publiſhed, Mr. Joel Barlow and Mr. Froſt are paid for this great and loyal work which they had been doing—they are paid for bringing back to England the ſentiments of the Preſident of the National Convention, that the Conſtitutional Society were "generous "Republicans," and had the thanks of that Society given to them; and not only given to them, but, unleſs I miſrecollect the evidence, with a view to draw the public minds to the tranſaction, the thanks were ordered to be publiſhed in the public newſpapers.

The eſtabliſhment of a National Convention in France, was not the firſt period in which a Convention to overturn the Government of Great Britain was thought of; but here I call back your attention to a moſt important part of the evidence in this cauſe—I mean, and I beg to ſtate it to my Lord's recollection too, for it appears to me to be a paper moſt exceſſively important in this caſe, and a paper which, as I think, would have prevented the poſſibility of any man in any of theſe Societies contending that he was acting upon the Duke of Richmond's plan—I mean the Addreſs of the 6th of Auguſt, 1792, of the Correſponding Society.

Gentlemen, why do I ſtate this to be important—becauſe it helps to aſcertain the end with reſpect to which the Scotch Convention in 1793 was to be formed—becauſe it helps to aſcertain the end with reſpect to which the Convention, which was to be held in a ſecret place, that was not to be named, in the year 1794, was to be formed. In Auguſt, 1792, Margarot and Hardy conſulted Mr. Tooke upon an Addreſs—I do not ſay that he ſent them an anſwer, becauſe I cannot bring proof of that—but having conſulted him upon the rough copy of their Addreſs, previous to its being printed—the Addreſs of the London Correſponding Society to the Nation; in this they detail abuſes, ſome with truth, for, Gentlemen, there is no

Govern-

Government in which ſome abuſes do not exiſt; and one of the practices of which this Country has moſt to complain of in theſe Societies is this, that they do not allow men of ordinary underſtandings to diſtinguiſh between abuſes in the adminiſtration of the Government, and vices in the form and Conſtitution of the Government. This forms the wickedneſs of correſponding with ſuch people as Broomhead. Where Mr. Tooke got the name of Broomhead, to aſſociate him with himſelf, in the Conſtitutional Society, I cannot conceive; but this forms the miſchief, and, I am ſorry to have to uſe the word, the wickedneſs; but this forms the miſchief of correſponding upon ſuch ſubjects with ſuch men, unleſs you explain moſt fully to them; I ſay explain fully, becauſe there is no ſubject, perhaps, that you might not write to any man ſafely upon, if you do not miſlead his mind, but act honeſtly with him. In this Addreſs of the 6th of Auguſt, which was afterwards approved of in the Conſtitutional Society, and Mr. Tooke has not dared to call a ſingle witneſs out of the Conſtitutional Society to contradict what appears upon the book as to this circumſtance—in this paper, dated upon the 6th of Auguſt, 1792, a year before the Scotch Convention was thought of, a year and many months before the Engliſh Convention was thought of, they diſtinctly ſtate to the world, after ſtating thoſe grievances—what are we to do? are we to look to the King for redreſs? to look to Parliament for redreſs?—No! we are to look to theſe Societies for redreſs! to look to the effect of theſe Societies for redreſs! And can there be any doubt for what purpoſe they were to look to thoſe Societies, unleſs you can be men credulous enough to believe, that thoſe who diſavow any application to Parliament mean an application to Parliament; and that thoſe who hold a language to France about a National Convention, ſuch as I have ſtated, held that language not about a National Convention in England, to act as they acted in France, but about a National Convention in England, to addreſs that Parliament which they diſtinctly ſtate they will never reſort to? This is not all. Look at the works of Paine, which theſe Societies have diſſeminated—look at the works of Barlow, which theſe Societies have

diſſemi-

diſſeminated; they do not only ſtate the folly of applying to Parliament, but they go further, for they ſtate, in the moſt diſtinct terms, that if Parliament were even to give them a Conſtitution, they ought not to take it if it was not conſiſtent with the principles of the rights of man. Is a Jury of Engliſhmen then to believe that men, profeſſing thoſe opinions, meant, contrary to the very obvious tenor of their language, to do that which my learned friends have been obliged to inſiſt, and which it is neceſſary for their purpoſe you ſhould believe they meant? My learned friends have never contended for their innocence, if they meant to have ſuch a National Convention in England as they had in France; it was not contended for, or but faintly at leaſt, if that was the thing deſigned. My learned friend ſays now, if it was intended to be brought by force! If he allows to me that they meant a National Convention———

Mr. Erſkine. No, you know I do not allow you any ſuch thing.

Mr. Attorney General. Gentlemen, I ſay the Counſel have not ventured to ſtate, that if they meant ſuch a National Convention in England as they meant in France, and that National Convention was to act with force, that the gentleman ought not to be upon this indictment found guilty.

Now, Gentlemen, give me leave to aſk you another thing. The Counſel for the gentleman find it abſolutely neceſſary, in ſome way or other, to apologize for the publication of Paine's works. You have heard how they apologiſed. I inſiſt upon it, before you, and put it to my Lord to tell you whether I inſiſt upon it rightly, for what Counſel ſay ought to have no weight, except ſo far as it is confirmed by the Court, and your reaſon adopts it—I do affirm, before you, that if thoſe books of Paine's were publiſhed, one after another, with a view finally to bring about a National Convention in England, which was to overſet by force the Government of this Country, that the publication of any of them is High Treaſon.

My friends have ſaid, Is the Attorney General here to be ſuch a monſter as to indict all the Conſtitutional Society, with all the people that have been guilty of theſe things? God Almighty

mighty forbid! If you don't find the gentleman knew the meaning of what he was doing, he is not an object of proſecution. This argument would have done in the rebellion of 1745 and 1715, when a hundred thouſand perſons were concerned in Treaſon, but the principle of the policy of the law of England is this; not to apply the law to all perſons to whom it is applicable; but to apply it to ſuch perſons to whom it is fairly applicable, that by force of the example, obedience to the law may be ſecured. So I ſay here, I proſecute this gentleman in the diſcharge of my bounden duty, having received his Majeſty's command, he being adviſed by that Conſtitutional advice, in which he acts in every circumſtance of his royal character and capacity. I bring him here as a principal perſon, underſtanding the whole of this tranſaction, and knowing what the meaning was, and what the project was, which he was finally to accompliſh.

Gentlemen of the Jury, give me leave to aſk you, did it not appear to you that the leading Counſel for the gentleman at the bar, found the neceſſity of apologizing for the publication of Paine's books? He mentioned to you a circumſtance as a fact, which I won't take notice of, becauſe it was not proved, and one could wiſh that, in the adminiſtration of juſtice, ſuch things never were mentioned, becauſe it diſables the fair adminiſtration of juſtice. Unleſs when he took leave to mention what I allude to, he had told you alſo that there was an idea that Mr. Paine would not be able to ſupport the expence of a proſecution, I was ſure my friend would not attempt to prove it. I ſay no more upon this circumſtance, but whether there was ſuch an idea, or not, that he could not ſupport that expence, is it in any way material. Look at the reſolutions we have read to you—at the very inſtant when a proſecution had been commenced by his Majeſty's then Attorney General againſt a book, which I venture to ſay has done more miſchief in fact, whether its publication be High Treaſon, or not, than all other libellous publications put together. When his Majeſty's then Attorney General ſet about proſecuting the book, what did the Conſtitutional Society do? Thoſe friends to limited Repreſentation, and to the Conſtitution of the Government! The proſecution was commenced

againſt

againſt thoſe parts of the book which run down the Monarchy of the Country. Paine ſends them word that he is going to publiſh a cheap edition of thoſe works, and there being merely the rumour of a proſecution, and Mr. Paine, I believe, not ſtating to them any thing like inability to defend himſelf againſt the proſecution—upon the mere rumour of that proſecution, they form a Committee to enquire whether there was any truth about it, or not. Why, if the gentleman at the bar had really thought, as he is ſaid to have thought about thoſe parts, which relate to the Monarchy of the Country, could he have ſuppoſed that it was poſſible that there ſhould not be a proſecution about it? Would not he himſelf have been diſpoſed to hold the language which he held in 1780, 1782, 1785, and 1789—would he not have ſaid, Mr. Paine how can I contradict all the paſſages of my life, from 1780 to 1789, and become a ſubſcriber to defend you againſt a proſecution for a work, which proſecution relates to thoſe parts of your work, which I have always been condemning— (which I have nevertheleſs been ſending to Sheffield, Norwich, Manchester, and various other places) how can I join in protecting you againſt ſuch a proſecution as that? Why! Becauſe it is impoſſible for me to ſay that the law of the land is to be thus inſulted. Gentlemen, I beg your attention to this, for it has a moſt important influence in this cauſe. It belongs to the Juries of the Country to ſay, whether the Government of England ſhall be equal to the functions which the law of England has given it; but I venture to ſay that if books are to be publiſhed and diſperſed in the manner in which the Conſtitutional Society have publiſhed and diſperſed the works of Paine, ſometimes in the name of the Correſponding Society, and ſometimes in other names; that the frequency of the occaſion for the application of the law of England, makes the law of England a dead letter. The liberty of the preſs muſt be under due animadverſion of the law; it muſt not be under more; but the liberty of the preſs muſt never be ſo uſed as that by the frequency of the licentiouſneſs of it, it ſhall palſy the arm of the law, and make it unequal to its functions.

Gentlemen,

Gentlemen, is this all? I will ſuppoſe a caſe for the ſake of an argument, which one has heard in almoſt all caſes of libels; be ſo good (as it is ſaid in ſuch caſes generally) as to look into all parts of theſe books, the Rights of Man, part the firſt, and ſecond! Do not condemn a perſon proſecuted for the offenſive parts of a work; do not condemn him for parts, for upon the whole he meant well. There are, as a witneſs had told you, offenſive parts in the Bible! Is a man, therefore, not to read the Bible—you muſt certainly take the whole works together, and I am content to ſay if, looking at both parts of the Rights of Man, and looking at them attentively, you can have any doubt of their being publiſhed with an intent to affect the Monarchy of this Country, that then the defendant is to have the benefit of every part that he chooſes; but I defy you to find an apology for printing and publiſhing the letter to Mr. Dundas, which ſtates, in the moſt diſtinct terms, the folly, abſurdity and nonſenſe of hereditary Monarchy in any Country, and that is publiſhed, and you obſerve, from the paper read to you, not by Paine. If I was to publiſh Paine's works, printed by others, improvidently, without an evil intention, I do not ſay but, that in that caſe, the neceſſities of public ſafety might require that the queſtion ſhould be diſtinctly put to a Jury, whether I did publiſh them without an evil intention; but what is to be ſaid, if a man ſets up a preſs, and prints them, and ſo publiſhes them to the world? He is to all political intents and purpoſes the author of them. Now what is to be ſaid for the Society for Conſtitutional Information, with reſpect to the publication I laſt mentioned, and for the Correſponding Society, when it publiſhed the letter of Mr. Paine to the people of France, at the time that that honorary member, or occaſional viſitor, call him which you will, of the Conſtitutional Society, became a member of the French Convention? This is an important fact—he was at that time, or was about to become, upon his own principles a member of that National Convention, which his Co-aſſociates in the Conſtitutional Society, Froſt and Barlow, were afterwards to addreſs.

Gentlemen, the paſſages in this book are not to be miſun-

derſtood, and why the Correſponding Society publiſhed this book in England, or why the Society for Conſtitutional Information publiſhed the other book in England, except for the purpoſe of its having an effect in England, and not in France, is a queſtion that the Counſel for the gentleman have not even ventured to ſtate, much leſs to diſcuſs. Now, Gentlemen, you will find that they ſtate here thus—" When thoſe contradictions " ſhall be removed, and the Conſtitution be made conformable " to the declaration of rights." " When the bagatelles"—now theſe are the publications of men well attached to Monarchy in Great Britain—" when the bagatelles of Monarchy, royalty, " regency, and hereditary ſucceſſion ſhall be expoſed, with all " their abſurdities, a new ray of light will be thrown over the " world, and the Revolution will derive new ſtrength by being " univerſally underſtood." And in another paſſage it is ſtated—" It is no longer the paltry cauſe of Kings, or this or that " individual, that calls France and her armies into action, it is " the great cauſe of all, it is the eſtabliſhment of a new era, that " ſhall blot deſpotiſm from the earth, and fix on the laſting " principles of peace and citizenſhip, the great republic of " man." France was fighting for liberty—for what? For herſelf? No! that ſhe might carry the ſtandard of liberty into all nations; and this is the addreſs of the Correſponding Society to the people of France, publiſhed for the benefit of the people of England.

Why, Gentlemen, this is preciſely in correſpondence with what Barlow had been doing upon the 6th of October. This is preciſely what Paine foretold in his Rights of Man, that Mr. Paine, who has been ſuch a friend to Great Britain, and who diſtinctly ſtates that he endeavoured to get an opportunity to come over from America to England, without being known, and to remain in ſafety till he could get out a publication that ſhould open the eyes of the Country with reſpect to the madneſs and ſtupidity of its Government; he who was to ſhew that all this Government was ſtupidity and madneſs, is aſſociated a member of this Conſtitutional Society—and it is the uniform language of all the publications, that thoſe principles, the unalienable, impre-

impreſcriptible principles of the Rights of Man, neceſſarily lead to the depoſition of a King; and, with that propoſition diſtinctly and clearly before them, and publiſhed by them, it remains yet to be ſtated to you why thoſe publications were circulated in Great Britain. As to what the gentleman at the bar meant by a National Convention, and what it was to do, I refer you again, without going through it, to the letter of the Editor of the Patriot at Sheffield, and to the anſwer which has that paſſage in it about Monarchy and Ariſtocracy, which has been frequently mentioned to you; and I beg alſo to refer you to a letter ſent to the Correſponding Society, the connection of this gentleman, with which, I think I have moſt fully eſtabliſhed; a letter from Stockport in September, 1792, that Stockport, the freemen of which the London Conſtitutional Society ſtate, in the letter of the 9th of November, to be fellow labourers with them in the ſame cauſe—in the cauſe of that freedom, which was to deſtroy the vipers Monarchy and Ariſtocracy. What do the freemen of Stockport ſay in this letter to the London Correſponding Society of the 27th of September, 1792? Why they ſay, adverting to that paper of the 6th of Auguſt, 1792, which came from the Correſponding Society, and with reſpect to which the gentleman had been conſulted; they ſay that your paper of the 6th of Auguſt, 1792, does not riſe high enough; we, freemen of Stockport, we wiſh to be governed by no power that has not been immediately conſtituted by ourſelves; they ſay that the Parliament is incompetent to the work, whilſt the Houſe of Lords retains its preſent authority in the Legiſlature, and while the Bench of Biſhops retain their ſeats in the Houſe of Lords. They ſay, will not the evils be done away all at once by a Convention, and then the anſwer, which is written in the ſame month of November, I think, from the Correſponding Society by Mr. Margarot, an aſſociated member of the Conſtitutional Society, and Hardy, an aſſociated member of the Conſtitutional Society; that letter, to which alſo I beg your attention when this caſe is ſummed up, it ſtates to theſe perſons —" That they are glad to find them ſo hearty in this cauſe, that " they ſpeak out"—that is the language of the letter—" as far

" as prudence and diſcretion will permit them to ſpeak out.—
You aſſure us," ſay they, " that numerous other reforms will
" follow, if a Univerſal Repreſentation of the People was ob-
" tained." Numerous other reforms! What other reforms were to follow? Why, ſay theſe perſons, writing to the Stockport Society, " get that, and all the other reforms that you want
" will follow. Point your object to that—that is as much as
" we can, in prudence and diſcretion, at preſent declare; and
" our addreſſes," they ſay " are ſtated in as ſtrong language as
" we can now venture." Now what was the ſtrong language which they could then venture? Why, neither more nor leſs than this—that they would ſeek no redreſs of the King, that they would ſeek no redreſs of the Parliament, but that they would ſeek redreſs in their own Societies.

Gentlemen, it was further neceſſary to teach in Great-Britain what was meant by a Convention of the People.—The people of this Country are extremely wedded to the Conſtitution under which we live. Opinion is the great ſupport of this Government, as it is of every other, and we have formed our opinion upon the experience of ages. I ſay for myſelf, as a ſubject of Great-Britain, I hope I ſhall be in my grave before we part with the benefit of that experience. I believe, Gentlemen, that moſt of the individuals who have been miſled to form the Scotch Convention, and to meditate another Convention by the effects of reſolutions, and circular letters, and meetings in the open air, and a great many other things, that my friends have not ventured to take notice of in this great cauſe; I believe, Gentlemen, they would once have ſaid with me, may we all be in our graves before this change of ſyſtem ſhall take place! That there are evils in the Government of the Country, no man will deny; but that they were felt in that extent, in which the country Societies have been taught to feel them, and in which the country Societies have been inſtructed to teach others to believe them, I do not believe; and I refer you to the letter to the Editor of the Patriot, as a proof that this Country would have been, in its union of ſentiments, undoubtedly the happieſt Country in the world, as I believe, in fact, it ſtill is, notwithſtanding the propagation

pagation of theſe doctrines, if theſe doctrines had not been propagated with that art, which makes the power of the law unequal to the miſchiefs which are committed againſt it. You would have ſeen, but for this, little of the tranſactions, the nature and tendency of which we are diſcuſſing here this day.—It was neceſſary to work down by art the love and affection of the people of Great-Britain for their Conſtitution, not of thoſe friends to limited repreſentation living in London, that enliſt all men alike, or the Society at Stockport, that will take no Government but what their Society conſtituted, but of men in other places, whom they aſſociated with themſelves, and who had doubts and fears about their views, who aſk them if they mean to pluck up Monarchy by the roots—to ſuch men it was neceſſary to hold a dark, cautious, myſterious language—to others, who deſire to be ſatisfied, it was neceſſary to ſtate nothing openly, but to ſay, get only this repreſentation, and all will be right; and, in ſhort, it was neceſſary to put together, if I may ſo expreſs myſelf, into the coach that is to go to Hounſlow, and beyond Hounſlow, all ſorts of men, ſome to get out ſhort of Hounſlow, ſome to go to Hounſlow, ſome to another place, and ſome to the end of the journey. For the purpoſe of carrying their project into execution, they enliſt all men, of all ſentiments, with reſpect to Government, and, at a hazard, the extent of which they ſee. Do they not do theſe things I deſire of you to determine, when you come to do that juſtice which you are to do your Country, and the gentleman at the bar, who is an eſſential part of your Country, and whoſe Country, upon this occaſion, you are.—Do they not do theſe things, reſolved to carry their project, even if it was a more limited project, into execution, though it could not be done without the hazard of enabling others to effectuate further purpoſes, which they would now diſavow. When the coach had got to Hounſlow, this gentleman, perhaps, might not be able to get out; when he had driven other perſons in the coach there, the perſons in the coach might have driven him further; but I do not ſee that it is a ſufficient excuſe for a man's going, apparently for a common purpoſe, with others to Hounſlow, who, he knew,

intended to go a great deal further—that he had, in his own mind, an intention to ſtop there—One exertion of the art I have ſpoken of, was to take care that the character of a Convention ſhould be taught in England. They have told you, on the 6th of Auguſt, 1792, that they were to have nothing to do with the Parliament—that is the effect of the evidence—they have addreſſed the National Convention in France: they have received an anſwer from the Preſident of the National Convention, under the circumſtances I have mentioned: if theſe addreſſes meant nothing with reſpect to England, what are we to ſay with reſpect to their tranſactions, as far as they relate to Citizen Barrere, to Citizen St. André, to Citizen Roland, to thoſe two entries in the Conſtitutional Society's book, where they ſtate the ſpeech of Barrere and St. André, as given in the Moniteur, I think, of the 4th, 5th, 6th, and 7th of July. I aſk now, for I have not heard it ſtated, what was the purpoſe of this? What object could the Conſtitutional Society, which has done all thoſe acts, with reſpect to a National Convention, have in view by this? Did thoſe who came to this reſolution, and not only came to it, but who ordered this reſolution to be printed in the public newſpapers, did they mean any thing by it, or nothing? If they meant any thing by it, I ſhould be exceſſively glad that human ingenuity would tell me what it was that they did mean by it, but to draw the attention of the public to the nature of that Convention, which they themſelves were to ſpeak of, and hereafter to inſtitute in different parts of this kingdom. Gentlemen, I cannot believe, becauſe how is it poſſible? I am ſure, if it were poſſible, I ſhould be very glad to ſtate it to you, to ſay to you, that calling the public attention, to what I am now going to mention to you, is conſiſtent with any of thoſe paſſages between 1780 and 1789, that you have heard of in the tranſactions of the gentleman at the bar. You will give me leave, when I ſtate to you that I know not how to reconcile them, to beg that you will attempt to do it on the part of the gentleman at the bar.

Gentlemen, you obſerve that the reſolution for admitting Citizen St. André into the Conſtitutional Society, has been pro-

duced in the hand-writing of Mr. Tooke. You will recollect alſo, that not one ſingle individual of the Conſtitutional Society has been called to you to explain this tranſaction. Now theſe ſpeeches contain two things; they contain firſt, a diſcuſſion of that principle of the law of England, the inviolability of a King, that is to ſay, the Conſtitution of this Country has in it a principle, which holds that the King can do no wrong, making other perſons in every exerciſe of the power, which he has under the Conſtitution, reſponſible for the advice which they give him. Our Conſtitution has held the King inviolable. I aſk you, why was the public attention to be drawn to a French newſpaper, containing a diſcuſſion upon the folly and abſurdity of the inviolability of a King? I aſk alſo if it was the purpoſe of theſe perſons, and particularly of the gentleman at the bar, that there ſhould be a meeting of Delegates in this Country to influence Parliament, and, through the organ of Parliament, to bring about a Reform in the Government of the Country?—Whether that influence was due influence or whether undue influence, I ſhould be glad to aſk you, when you come to attend to this paſſage, with ſuch obſervations as you will hear upon it? On the laſt trial it was ſtated, and felt as fit that it ſhould be underſtood, that the priſoner, then tried, could not be anſwerable for the French, ſo much as came from France, which was not tranſlated, and which he could not underſtand, that he could not be anſwerable for it, as the gentleman muſt be anſwerable, upon whoſe motion theſe things are adopted: I aſk you for what purpoſe the public attention was to be called to the nature of a National Convention? And now, Gentlemen, I will read to you what it is that the attention of the people of England is called to by this addreſs, in January, 1793,—"The people of Paris, by "making a holy inſurrection againſt the King"—a very odd thing, to make a holy inſurrection againſt the King—"on the "10th of Auguſt, deprived him of his character of inviolabili-"ty; the people of the other departments applauded this inſur-"rection, and adopted the reſult of it; the people have, there-"fore, already interpoſed to deſtroy the royal inviolability.—"Louis was inveſted by the tacit conſent of the people with a

" Conſtitutional inviolability; their tacit conſent has deprived " him of the ſame, and is, therefore, as lawful as the grant of " it. The inviolability of the King cannot be abſolute, it is " only relative, and for the end of maintaining the independence " of the conſtituted authorities." Now of what earthly uſe could it be that the people of England ſhould be taught this with reſpect to the King of France? Of what earthly uſe could it be that the attention of the people of England ſhould be called to this doctrine? Certainly it is not to be ſtated in a Court of Law in this Country, as conſiſtent with the law of England, that they ſhould be taught theſe principles. To whom were they to apply it? Were they to co-operate in eſtabliſhing the inviolability of the King of France? Were they to aſſiſt in the holy inſurrections, which had amounted to what is called a tacit repeal of this inviolability? What is the purpoſe of this gentleman, but to tell the people, who are to meet in that National Convention, which I ſhall inſiſt upon preſently, it is perfectly clear before you upon the evidence, was what thoſe perſons meant to call together in England, and, in fact, had called together in Scotland, to the moſt ſerious alarm of the Country, (I ſeriouſly doubt whether any man in this Court this day, ſitting under the commiſſion of the King of England, if that body had been ſuffered to ſit in Scotland, I ſpeak the ſentiment that fell from the Court upon the laſt cauſe, would have been ſuffered to remain in a capacity to try theſe cauſes) to tell thoſe people that if the Convention, wherever called, found it neceſſary to carry its purpoſes into effect, even by holding the King violable, they were to conſider themſelves as being in that ſtate of holy inſurrection, that would juſtify them in the ſame meaſures, which the Conſtitutional Society, by recommending thoſe people to their notice, ſay was juſtifiable in France.

What is the idea of the gentleman, taking this paper to contain his idea, of a Convention? And ſee how far it is conſiſtent with the idea of applying to Parliament, either duly or unduly influencing Parliament, how far it does, or not, fall in within the principle, the rule of conduct laid down in the London Correſponding Society's addreſs of the 6th of Auguſt,

1792;

1792; that they are not to apply to Parliament, but to depend upon themſelves? How far it falls in with that National Convention, and I beg your attention to it, which, according to the 20th of January, was to redreſs itſelf by its own laws, and not by the laws of its enemies, plunderers and oppreſſors; for ſo it repreſented the Legiſlature of this Country to be. Hear the words which he recommended to the attention of the people of England—"A Convention is a conſtituent body; that is a body "that is to make a Conſtitution for the people; a Legiſlature "makes laws under an eſtabliſhed Conſtitution; and, in con- "formity to it, it is deſpotiſm when, in the ordinary and per- "manent eſtabliſhment of a State, there is no ſeparation of "powers; but it is of the very eſſence of a conſtituent body "to concentre, for the time, all authority; it is the very nature "of a National Convention to be the temporary image of the "Nation, to unite in itſelf all the power of the State, to em- "ploy them againſt the enemies of liberty, and to diſtribute "them in a new, ſocial compact, called a Conſtitution."

Gentlemen, this is not an actual publication of this paper, but a ſpecies of publication of this paper. And is not this a publication of the ſame nature as thoſe books, which hold Parliament incompetent to make a Conſtitution? Is it not the ſubſtance of thoſe acts of the Conſtitutional Society, which had recommended a Convention for the purpoſe of forming that, which theſe works have, over and over again, aſſerted does not exiſt in this Country, a Conſtitution? Is it not giving to the people of England the character of that Convention, which is alike in its principles and in its Conſtitution, to that, which had been recommended in every book, that they had publiſhed? You will find it is conſiſtent with every act they had done, both with reſpect to Scotland, and alſo with reſpect to England, up to the month of April, 1794.

Gentlemen, there is evidence before you which, when it comes to be ſtated, I would likewiſe deſire your moſt ſerious attention to, I mean the letters which paſſed between January, 1793, and the 16th of April, 1793, and ſubſequent periods, prior to the formation of the Scotch Convention; they deſerve, Gentlemen,

all the attention which can be due from a Jury of the Country to any ſubject that deſerves the attention of the Country, and of a Jury, in whoſe verdicts, after all that we have to ſay about the Conſtitution of the Country, in and by whoſe verdicts that Conſtitution lives and breathes, and has its being. They never therefore can be ſpoken of too reſpectfully, and feeling thus of the high character of the functions that you are by and by to diſcharge, I am ſure that, in a caſe of great importance to my Country, you will allow me to go through it if I can, calling for your active attention to it.

Gentlemen, petitions were ſent to Parliament, to that Parliament, to which, upon the 6th of Auguſt, 1792, the Correſponding Society, modified as before ſtated by the priſoner, had ſaid it was in vain to reſort—not only in vain to reſort, but not conſiſtent with their principles to reſort—that Parliament, which was incompetent to do the work which they were to do; to form that, which, they aſſerted, did not exiſt in Great Britain; A Conſtitution—What do they do? You will find a great variety of letters, and I beg your particular attention to thoſe letters, from various Societies, deſiring to know what was to be done about petitions. Attend to the ſubſtance and effect of them all, and I won't waſte your time by going into the particulars; they contain ſuch foul aſperſions upon ariſtocracy, upon the higher orders of life, that, upon my word, one can hardly read them without ſhuddering; but they ſay diſtinctly, in more than one or two of them, "What is it that we are to do? Shall we "petition the King? No! That is fruitleſs—Shall we go to "Parliament? No! we are an oppreſſed people, and won't go "to Parliament: Shall we have a Convention? That is the "thing to which we look, when the people ſhall have become" mark the words "virtuous and courageous enough to hold "it."

Gentlemen, they have before, in various letters, ſtated, and I beg your attention to that too, that it was to be done by their own ſtrength—that it was to be done by imitating the valour of their forefathers—that it was to be done by moving on in one united compact ſyſtem of affiliated clubs, till England, for that

is

is the expreſſion from Sheffield, till England ſhall become free, as France has become free; till theſe Societies ſhall ſpread from city to city, from town to town, from village to village, from hamlet to hamlet, till they cover the whole face of this ſea-girt iſle. Then it is that the "Nero's of the day" as one of the letters ſays, ſhall fly before their oppreſſed ſubjects—then it is, ſay they, that we will tell you, for ſuch is the import of another letter, and the only letter, that the Counſel for the priſoner ventured to obſerve upon, in the whole courſe of the year 1792, then it is that it will be time enough for us to tell you (while we give you advice, in the mean time, not to talk about ripping up Monarchy by the roots, not to mention, in the mean time, Monarchy or democracy, but to ſpeak of nothing but Repreſentation of the People in Parliament, words, give me leave to ſay, that occur in the ſtatutes of this land, in the time of the Republic; words which are equally ſatisfied by a Houſe of Commons, in Parliament aſſembled, for ſuch is the legal phraſe given to the Houſe of Commons in Parliament, in the time of Cromwell, and equally ſatisfied by a Houſe of Commons co-exiſting with a Houſe of Lords, and a King, which could form no part of a ſyſtem agreeable to the Rights of Man) then it is, ſay they, that we will ſpeak out, as the Sheffield paper informs you, with a voice that will be like the thunderings from Mount Sinai, then we ſhall tell the five hundred and fifty-eight gentlemen, in St. Stephen's Chapel, to walk about their buſineſs. This is their language, and yet, forſooth, this is not a conſpiracy that was to act by force! You will ſee preſently whether it was a conſpiracy to act by force! Give me leave to tell you, that that mind is not capable of ſtating ideas with preciſion to thoſe to whom it addreſſes itſelf, that can find a diſtinction between a conſpiracy avowedly formed for acting by force, and a conſpiracy to bring together a body of people determined to carry their object, and which muſt, at laſt, act with force, or deſert its object. The Convention, he knew, muſt act with force, and could not accompliſh its project, unleſs it acted with force. The Legiſlature of the Country could not, he knew, permit it to execute its purpoſe; and, if it was determined to accompliſh its object,

it

it muſt act with force. Thoſe, who would have gone further in the execution of his projects, than he choſe to do, muſt act with force: and he is anſwerable for enabling them ſo to do. Their project of petitioning Parliament was a project merely to inſult it, and to inſult it for the purpoſe of making it the inſtrument, making even Parliament the organ and the inſtrument of circulating libels through the Country.

It is avowed, in the letter of the 16th April—for, even in this very letter they ſay, " as to applying to the King, that is " futile;" " applying to Parliament, that is acting like an op- " preſſed and ſubdued people."—It is avowed in this letter, that they muſt look (and here the idea is correctly ſtated, as early as the 16th of April, 1793) that they muſt look to a Convention, by which, ſays the Conſtitutional Society, we ſuppoſe you mean a Convention of perſons, who are to do what Parliament will not do; a Convention of perſons from theſe Societies to do that work, and to give that redreſs, which neither the King, nor the Parliament of Great Britain, would, nor, according to them, were competent to do, or to give. Is that letter, that was produced by that gentleman, the haſty fruit of an ill conſidered meaſure? No, you will find that they write to all theſe Societies in the Country upon the ſubject: the letter has been read, and will be read again. They beat up for ſubſcriptions to this project of a Convention, which they had then in contemplation, upon the 6th of Auguſt, 1792, and the idea of which they had been endeavouring to propagate, by the Addreſs to the National Convention, in October. They beat up for ſubſcriptions to this project of petitioning Parliament, for no other purpoſe, but to induce the ſubjects of this Country to think upon the ſubject of a Convention, by which the Society are to right themſelves. Things were going on at an immenſe rate; for it is ſurpriſing, when one comes to look at theſe letters, (and if the gentleman is intitled to any benefit from the circumſtance, that there are a great many people liable to proſecutions, he is entitled to much from it) to what an immenſe extent well meaning men were drawn into (I do not know what to call it) the practice; for I abominate uſing a harſh word, upon any occaſion; drawn into

the

the practice of having ſham petitions ſtated, and ſham motions made, merely to be over ruled; poor ignorant men, that are dear to the law and Conſtitution of England, but ought to be treated better, becauſe they are dear to the law and Conſtitution of England. To ſee ſo many perſons, in all parts of the kingdom, embarked by falſe reaſoning and artifice in this project, I proteſt to thoſe who have looked into the ſtate of this buſineſs, and who have been bound by the diſcharge of ſuch a duty, as, I pray God, may never fall to my lot again to look into it, it is too painful to ſee to what an extent this miſleading ſyſtem has gone.

Gentlemen, you find a great number of Societies at Norwich; you find an extenſive Society at Sheffield; you have ſeen that Society at Sheffield repreſented as containing two thouſand members; Broomhead ſaid there were not above ſix hundred: for what purpoſe were they repreſented as two thouſand! Why, to make the Norwich people believe there were conſiderable numbers at Sheffield. They ſtate, you obſerve, from one place to another, that great numbers are joining them in each: they are taught to believe, that great numbers of members exiſted in places, where there were none, and that the numbers were encreaſed in other places when they had received no increaſe: and the minds of their adherents are prepared by the idea of their numbers for a Convention. The project of the Scotch Convention is then thought of. I beg here your attention for a moment, to the Society called the Friends of the People, becauſe I wiſh to put you completely in poſſeſſion of what I am contending for; and do not let me be underſtood to ſay, I am not ſaying that Societies of men may not in this Country aſſociate, in a great variety of ways, to bring about any Reform in the Government of the Country, which is conſiſtent with the ſpirit of the Conſtitution and the law, ſeeking it finally by application to Parliament. I cannot undertake to define the degree of influence they may exert over the mind of the Parliament. I find nothing in that Society of the Friends of the People which has gone too far, unleſs it ſhould happen to be that letter, that ſeems to have been read either at the Globe Tavern or at Chalk Farm. Stating a very humble

opinion

opinion upon that, it ſeems to me to have gone rather too far, but it is an important fact in this buſineſs, that theſe gentlemen informed the Society for Conſtitutional Information, ſo early as May, 1792; that they could not but look upon that Society as going to very dangerous lengths; that they themſelves meant nothing like anarchy and confuſion, and therefore would have no correſpondence with them. I mention the fact, as I underſtand it, becauſe it appears to me not to be out of place in this buſineſs, to mention another thing, namely, to ſhew how theſe Societies are made the tools of each other. In this Society of the Friends of the People, Major Cartwright mentioned, that one thing had been carried by a caſting vote; but can I illuſtrate any thing better, by way of ſhewing the dangerous tendency of theſe things, than to ſay, that if it had been carried by a caſting vote the other way, the Friends of the People would have been holding the language of the Conſtitutional Society in effect, though they had been rejecting all correſpondence with them. I would not mention this, but it leads me to a circumſtance I have omitted in its proper place, as it reſpects the evidence, as it affects the gentleman at the bar. It appears, Gentlemen, that his Society correſponded with a Society at Sheffield; it appears that the Society of the Friends of the People correſponded with the Society at Sheffield: upon the 26th of May, the Society at Sheffield write a letter, which has been produced in evidence, and which has likewiſe the correction of the priſoner contained in it, which ſtates, that they find the Friends of the People are not going upon the Rights of Man; and in effect ſtates, they will have nothing to do with them, but will be governed in their connection with the Friends of the People, to the extent that the Society for Conſtitutional Information will permit. Why, Gentlemen, does not this moſt clearly ſhew, that the Society for Conſtitutional Information at Sheffield was in truth an engine in the hands of the Society for Conſtitutional Information in London, and that that Society was an engine, to a conſiderable extent, in the hands of the gentleman at the bar, has, I think, been proved.

There is another obſervation this leads me to, before I men-

tion

tion again the Scotch Convention; and that is this—It was ſuggeſted in the outſet, by the croſs-examination, that the gentleman at the bar was really but a mere viſitor to the Conſtitutional Society. Now, if the evidence ſtates a flat contradiction to that, it will be for you to judge with what purpoſe that was ſtated; and it is an extremely remarkable thing, that there are very, very few inſtances, indeed, to be found, though extremely numerous were the times of meeting during the three years we have been talking of, in which that gentleman was abſent from this Society; and I am ſure, after what has paſſed here, I ſhall not be thought to make an uncandid remark when I ſay, that the accuracy with which this gentleman remembers tranſactions which had paſſed in Clubs and Societies of that kind, is not the leaſt remarkable circumſtance that has happened in the courſe of this cauſe. You will allow me alſo to ſay, that you have been told that the funds of the Conſtitutional Society were ſmall; that their number was not many; and that they did not mean to act with force. Why, Gentlemen of the Jury, till thoſe circumſtances had taken place in France upon which the gentleman at the bar has been acting in this Country, this ſort of thing was never thought of, which has been the project meant to be carried into execution ever ſince March, 1792. It was not by the numbers of the Conſtitutional Society, of whom hardly one has been called to tell you what they meant; it was not by the numbers of any other unaſſociated Society, but it was by the ſtrength of the Correſponding Society, conſiſting of ſome thouſands—by the ſtrength of all theſe Societies, in the different parts of the Kingdom, that were to be affiliated and aſſociated with this Society, that the objects of this Society were to be carried into execution, without much of perſonal hazard to thoſe who were the real authors of the plan that was in agitation, and was well nigh ripening. When I ſay "well nigh "ripening," I uſe their own language; for you will find that during the greater part of the year 1793 they ſay, that when they can act with the valour of their forefathers, when they can act upon their ſtrength, and when the time ſhall come, then they ſay they will act. You will find that in 1793

and

and 1794 they ſay not only that the time is now come, but they likewiſe ſay that the time, that is now come, is the time in which they muſt act, or muſt loſe it for ever; endeavouring again to miſlead ignorant men, by holding a language about Heſſians and barbarians, which could mean nothing but that they ſhould act and reſiſt with force.

Gentlemen, it is a ſingular circumſtance, which I have not taken notice of, and which connects itſelf with the Scotch Convention, that theſe affiliated Societies in the country ſhould, all at once, be deſirous of having a connection with the Society in London—the London Correſponding Society; that this love of Parliamentary Reform, as it is called, ſhould grow ſo ripe in the Country, and that it ſhould do ſo exactly at the ſame period all over the Country; that correſponding ideas ſhould be excited in every part of the Country; that, at the ſame inſtant, in March, 1793, without any management, theſe Societies ſhould connect themſelves with the Conſtitutional Society, or London Correſponding Society.

Gentlemen, it has been contended on the other ſide, that this gentleman was not anſwerable for the proceedings of the Scotch Convention. That he lived at Wimbledon, and not in Edinburgh, is an undoubted fact; but I ſay that it is diſtinctly clear upon this evidence, and I beg your attention when my Lord ſums it up, that the Conſtitutional Society in London with the Correſponding Society (I mean always here thoſe individuals of each who underſtood their project, which of them underſtood it I do not know; but it is my duty to ſubmit to you, as I do moſt confidently, that the gentleman at the bar did underſtand it) —it is diſtinctly clear that the Scotch Convention, whatever was the nature of its actions, never would have met a ſecond time to commit thoſe actions, but through the invitation of thoſe Societies in London. Is there no connection with Skirving? Is there no connection with Gerald?—Gerald was propoſed to the Conſtitutional Society by Mr. Tooke. There is no connection, it is ſaid, between Mr. Tooke and Sinclair: it is impoſſible to deny the Conſtitutional Society was connected with Sinclair. In ſhort, it is ſaid there is no connection with this thing

thing in Scotland. Now, there is a letter of Skirving's, which is in evidence, which was ſent up to the Conſtitutional Society, being a circular letter that he ſent to call back the Delegates. When Margarot, Gerald, and Sinclair got back to Scotland, there alſo was another letter to the London Correſponding Society, in which they ſtate the neceſſity of having a Convention, in order to bring about what they call an union of the two nations; a remarkable effect, to be ſure, of a Convention that was merely to petition Parliament. Sinclair's correſpondence comes up to the Conſtitutional Society, his letters are read in the Society, publications are ordered in the newſpapers reſpecting his letters, and meaſures are finally taken, which I muſt detail preſently to you, upon this ſubject. Now, here I aſk again, if the Society for Conſtitutional Information was ſurprized into this meaſure of ſending Sinclair to the Scotch Convention; if Margarot and Gerald, who were Deputies from the London Correſponding Society, had really no connection at all with the Conſtitutional Society, and went without the privity of Mr. Tooke, why has not Hardy been aſked a queſtion to prove this? You are told of the want of funds; Gentlemen, you will give me leave to ſay, that it is a very ſingular circumſtance to have happened in Great Britain, that, by the mere ſending down to Edinburgh two ſuch perſons as Margarot and Gerald from one Society, and Sinclair from another, a Convention, conſiſting of no leſs than 180 Delegates, ſhould have been held in Great Britain, which not only do the acts that I am going to ſtate to you, but which, it has been ſtated and proved to you, diſtinctly avows, that if they could get a Convention of England and Scotland, they ſhould repreſent above a majority of the male adults of the kingdom. Great ſolicitation was made from the London Conſtitutional Society to Leeds, Sheffield, Norwich, and other places, to ſend Delegates to the Scotch Convention. If, therefore, theſe Societies ſent Delegates to the Scotch Convention, the ſending theſe Delegates is alſo another act of the London Conſtitutional Society. But theſe perſons, it ſeems, are repreſented to you as meaning nothing more than to act as the Societies in the years 1780, 1782, and 1785 acted, namely,

to petition Parliament! Gentlemen, I beg your attention to their proceedings. I ſhall be able to ſtate them in a very narrow compaſs; but, as they are very important, I muſt beg leave to inform you what they really are. In this Convention, after it had received an encouraging viſit of the Delegates from London, Skirving ſpeaking of its purpoſe, as being to eſtabliſh an indiſſoluble fraternity between the two Nations, and to adopt that meaſure (you will mark his words) "which, at this awful "period, may have a tendency to ſave the Country," it appears that Margarot repreſents—"That the Societies in London "were very numerous, though ſometimes fluctuating; in ſome "parts of England whole towns are Reformers; in Sheffield and "its environs there are 50,000." So he repreſents that—"In "Norwich there are thirty Societies in one: if we could get a "Convention of England and Scotland called, we might repre-"ſent ſix or ſeven hundred thouſand males, which is a majority "of all the adults in the Kingdom." They then proceeded upon a plan of general union and co-operation between the two Nations;—upon a plan of organization. They met firſt at a place called Convention Hall, and then they moved (and to this I would beg your particular attention) that the Convention ſhould from thenceforth be ſtiled "A Convention of the "People." Now, I venture to aſſert that you may ranſack all the proceedings that have been alluded to in this cauſe, from the beginning to the end, and that no body of men ever ventured to call themſelves, what theſe people called themſelves, "A Convention of the People," which is a National Convention of that ſpecies which was to overrule the Legiſlature in every Country in which it was held. Then they divide themſelves into Sections—they divide the Country into Departments—they appoint provincial Conventions—they receive patriotic donations; and then there is (not entered into their minutes) that reſolution, which has been ſomewhat commented upon, and which I ſtate to you to be a very ſtrange thing, but which is of infinite importance in this cauſe, becauſe I take it to be a clear proof that the Convention, which was afterwards to meet in England, was to act with force, in caſe they were reſiſted in the execution

execution of their projects. Gentlemen, I ſhall have to call your attention, by and by, to the fifth reſolution of the proceedings at Chalk Farm, for which I contend, before you, that the gentleman at the bar is reſponſible; and when you connect all that paſſed in the Scotch Convention—what paſſed upon the 17th of January—what paſſed upon the 20th of January—what paſſed upon the 24th of January; when you connect the circular letter of Hardy—the meetings in the open air at different places, that I have to mention to you; and when you connect the proceedings upon the 14th of April at Chalk Farm, I ſay that it is not, according to the nature of evidence, that the effect of it ſhould be leſs than this—that they meant a Convention to ſuperſede the Legiſlature of the Country, and to carry that project by force if it were neceſſary.

Gentlemen, this reſolution, which has been produced to you, is in the hand-writing of Mr. Sinclair, the Delegate from the Conſtitutional Society; and I obſerve that the gentleman who addreſſed you laſt, for the gentleman at the bar, was obliged to ſay, that this was really nothing more than an intention to reſiſt ſome one act of the Legiſlature, ſuch as was ſpecified in theſe reſolutions. But, before I comment upon it, I deſire diſtinctly to ſay this, that if the Delegates of the Conſtitutional, or the Correſponding Society, have gone one wit further in their actions in that Convention than was agreeable to their inſtructions, their actions are not actions for which the gentleman at the bar is reſponſible, unleſs you can be ſatisfied that he has ſubſequently adopted them, approved them, and has gone on in England to do acts of the ſame nature.

In the Convention they ſtand up and join hands, and pledge themſelves to ſtand or fall hand-in-hand; and this is reſembled, or attempted to be reſembled, to the caſe of perſons meeting at Willis's, or ſome other room, upon an election, where they are meaning to ſupport the intereſt of a candidate after he ſhall become a repreſentative in Parliament according to the Conſtitution of England: a learned gentleman, who ſits by me, is ſuppoſed to have propoſed (and I know no man more likely to have done ſuch a thing at a particular period of the day)—to have propoſed, from the generoſity of his heart, to join hands,

and pledge himſelf and others to ſupport their candidate. Now, do attend for a moment to the difference of the objects; and give me leave to aſk you a queſtion, for I will aſſert nothing about it.—What muſt be the perſuaſion of the mind, with reſpect to the nature of this act, of that gentleman, who finds it neceſſary to reſemble ſuch an act as this, becauſe it was attended with ſuch a circumſtance as that, to ſuch an act as that which I have been ſpeaking of, as having taken place at Willis's room—" Reſolved, that the following declaration and reſolu-" tions be inſerted at the end of our minutes." You will permit me to tell you that they were not inſerted in the minutes—that there was a reaſon for it—they were too dangerous to be inſerted in the minutes of this Convention; but I will ſhew you that they were communicated hither—" That this Convention " conſidering the calamitous conſequences of any act of the " Legiſlature which may tend to deprive the whole, or any part " of the people of their undoubted right to meet, either by " themſelves or by delegation, to diſcuſs any matter relative " to their common intereſt, whether of a public or private na-" ture, and holding the ſame to be totally inconſiſtent with the " firſt principles and ſafety of Society."

Gentlemen, when I come to detail to you the reſolutions at Chalk Farm, you will ſee what that expreſſion means. It is to ſay that the firſt principles of the ſafety of Society require that force ſhall be uſed againſt the Legiſlature—" We do hereby " declare before God and the world, that we ſhall follow the " wholeſome example of former times, by paying no regard to " any act which ſhall militate againſt the Conſtitution of our " Country, and ſhall continue to aſſemble, and conſider of the " beſt means by which we can accompliſh a real repreſentation " of the people, and annual election, until compelled to deſiſt " by ſuperior force." It is ſtated when the words " ſuperior " force" have been commented upon, that Skirving did not find himſelf in a ſituation much to reſiſt ſuperior force, but you will ſee what excellent care was taken to provide it by the ſubſequent proceedings in January, February, March, and in April. Mr. Skirving, when he was turned out of the room by the

Magiſtrate

Magiſtrate in Edinburgh, did not reſiſt merely becauſe there was not preſent phyſical force enough to reſiſt effectually—but the meaning is clear. They mean to ſay to the Legiſlature of England, though you and the King of England have paſſed an Act of Parliament, yet we, being a Convention, have a right to judge of you; you, being but a conſtituted Legiſlature, we will not pay any regard whatever to that act, which we conceive to be hoſtile to the Conſtitution of England, although the conſtitutional legiſlative authority of England ſhould have enacted it, we have authority to decide whether it is conſtitutional, or not. "And we do reſolve, that the firſt notice given for "the introduction of a Convention Bill, or any Bill of a ſimilar "tendency to that paſſed in Ireland in the laſt Seſſion of their "Parliament, or any Bill for the Suſpenſion of the Habeas "Corpus Act, or the act for Preventing Wrongous Impriſon-"ment, and againſt Undue Delays in Trials in North Britain." Now what does this mean? I aſk you, as men of underſtanding, upon your oaths, can it poſſibly mean any thing ſhort of this—that, if the Legiſlature of the Country thought it neceſſary, becauſe thoſe perſons, by their own force, were about to overturn the Conſtitution of the Country, to introduce a Convention Bill, or to exert thoſe other acts of legitimate power to be done upon the ground that, when the public ſafety requires it, the liberty of the nation may be parted with for a while, that it may be preſerved for ever, then thoſe perſons mean to ſay we will oppoſe force by force, and not ſuffer the acts of the Legiſlature of the Country to have operation, till we are oppoſed by ſuperior force. If the force of the Government was inferior, they muſt be the Government of the Country—if the force of the Government of the Country was ſuperior, it could be only by the exerciſe of that ſuperior force, that the legitimate Government of the Country could be ſuſtained. I am now going to read a paſſage, of which I have aſked an explanation, but could not receive it. I cannot forbear to think that this paſſage means neither more nor leſs than what I ſhall ſtate to you. I think the human underſtanding can make no leſs of it—"Or in caſe of an invaſion, or the admiſſion of any

" foreign troops whatever into Great Britain or Ireland." Now I aſk why was the Convention of the people, by Delegates from the Societies in Great Britain, to meet in caſe of an invaſion? Why were they then to meet? Were they to rally round the Throne in the ordinary execution of their duty, as loyal ſubjects? If they were to do that, they were to be under the direction and controul of the legitimate military power of the Country? Why were they to meet in caſe of an invaſion, if it was not to aſſiſt thoſe who invaded? But that is not all—" Or " the admiſſion of any foreign troops whatſoever into Great " Britain or Ireland." Why, Gentlemen, what had the admiſſion of foreign troops into Great Britain or Ireland to do with the objects of a body, to which it is now profeſſed, and where it muſt be profeſſed at the bar on behalf of the gentlemen, that force muſt be unneceſſary? I ſhould be glad to know what the admiſſion of any foreign troops into Great Britain or Ireland had to do with a meeting of a Convention of the people for petitioning Parliament, and obtaining their purpoſe by influence, either due or undue, take it as you will? What the reſiſtance of thoſe forces by the meeting of a Convention could intend, unleſs it was this, that if there was an idea of admitting any foreign troops into Great Britain or Ireland, theſe foreign troops being under the controul of the miliatry power of this Country, would be a force that they thought was to act againſt the force which they meant to act with? They add—" All or any one " of theſe calamitous circumſtances ſhall be a ſignal to the ſeveral " Delegates to repair to ſuch place as the Secret Committee " of this Convention ſhall appoint, and the firſt ſeven mem- " bers ſhall have power to declare the ſittings permanent, " and twenty-one ſhall conſtitute a Convention, and proceed to " buſineſs."

Gentlemen, there was a project in that Convention to petition Parliament. They paſs the order of the day upon that—Did they then mean to petition Parliament? They call themſelves a Houſe—the Convention; they call themſelves the Britiſh Convention of the people; they divide themſelves into ſections—into departments; they have Committees of ways and means,

of

of finances, of union, organization of every ſpecies, and they come at laſt to take the very title of the National Convention of France, with the difference only that the one is Britiſh, and the other is French—*The Britiſh Convention*—The firſt year of the Britiſh Convention (which is an epoch) one and indiviſible. Gentlemen, I am told that the funds of this Society were ſmall. I am ſurprized to hear that; but it is the only remark that could be made upon the circumſtances of this caſe, and I muſt not be told that, becauſe the funds of men are ſmall, they can do no miſchief. Margarot ſays in one of his letters, which is before you—" Money, money, money is all " that is wanted;" and Martin ſays, in one of his letters before you—" That people who have money begin now to come " in, and ſit down with the leather apron gentry." But it is not merely money that is to do the buſineſs—the plan of affiliation in another Country was not done by men, who did it with money—it was done by the phyſical ſtrength of numbers; the phyſical ſtrength, which Barlow refers to in his letter, and it is rather idle, in ſuch a caſe as this, to be ſtating the quantity of money which the Delegates there had, if they were uniting phyſical and natural ſtrength, and affecting to repreſent, that if they could get a Convention of England and Scotland, they ſhould repreſent not leſs than a hundred thouſand adult males of the kingdom.

Now, Gentlemen of the Jury, when this had paſſed, and when thoſe perſons were diſperſed by the Magiſtracy of the Country, and when certain ſentences were paſſed upon them, with reſpect to which I am bound to ſay one word, not becauſe I am going to give you my opinion about the law of theſe caſes, or either to contradict, or not, the prophecy of my learned friend about them, though I ſhould have been very happy if, in another place, I had received his aſſiſtance upon the ſubject, but becauſe it has been argued by the laſt gentleman who ſpoke, that this could not be Treaſon in the Scotch Convention, (not upon principles, I think he did not venture thus much, but) becauſe they were proſecuted only as a miſdemeanor. Now I cannot agree to that, for one reaſon, becauſe I ſay, that when no

more of this matter was diſcovered, than the proceedings of the Scotch Convention, and when one could not make out by all the additional evidence which ſubſequent diſcovery has brought forth with reſpect to the project, which produced that Convention, and which ſubſequent diſcovery has brought forth with reſpect to the facts, that paſſed after that Convention, it would indeed have been a bold thing in the Crown Officers in Scotland, who acted upon their own advice upon this ſubject, to have ſaid that they would impute this, as being unqueſtionably what it was, an overt-act of High Treaſon, when my friends contend with ſo much ſtrength, that not only not this, but that all thoſe additional circumſtances together, which are now proved, and which contain an infinite number of ſuch overt-acts, as they appear to me, do not form a ground for the imputation. I ſay, if the Crown Lawyers of Scotland had ventured upon a proſecution for High Treaſon, the conſequence would be that they might be thought to have had a caſe ſhort in proving a conſpiracy, where it conſiſted only of the tranſactions of that Convention; I ought not, however, to ſcruple ſaying here, what I ſaid in Parliament, and what the world knows already that I did ſay, that if the intereſts of the public had been committed to me upon that caſe as I knew it, when I ſo expreſſed myſelf, I ſhould have thought it my duty to aſk a Jury whether it was not a caſe of High Treaſon. Conſider the real objects of that Convention:—now there is no law in England by which you can ſay to any man, who chooſes to aſk for your coat, this coat is my own, if I cannot now ſay that a conſpiracy to impriſon the King, to remove by force evil Counſellors from him, though the conſpirators do not mean to affect his life, and though the parties may profeſs great tenderneſs for his perſon, is an overt-act of High Treaſon. It would be a ſingular thing if it was not. If it is, it would be more ſingular if a conſpiracy to make him remove Counſellors, formed upon the principle upon which this was formed, viz. to compel him by force to part with the great Counſel of the nation, is not an overt-act of High Treaſon. But upon that you will receive my Lord's directions by and by.

I now

I now come to the proceedings upon the 17th of January, 1794; and with reſpect to theſe proceedings, you will permit me, for a moment, to call your attention to them, becauſe they are of great conſequence in this buſineſs. I ſay it is impoſſible for a perſon who was privy to thoſe proceedings, and I ſay it is impoſſible for the gentleman at the bar to contend that he was not a party to theſe proceedings—to deny, that he meant to carry this project by force. I will not go through the particulars of the evidence here, which relate to the adoption of Sinclair's proceedings in the Scotch Convention, but muſt again refer you to the reſolutions in the Society's book—I muſt refer you to the reſolutions in the Society's book, repeated again, when his letter is taken into conſideration—I muſt refer you to the letters which Mr. Tooke himſelf wrote, where he ſpeaks of ſending Mr. Pitt to Botany Bay, which cannot be repreſented, with any degree of truth, as merely a letter of ſolicitation of ſubſcription for Sinclair, for it is a direct adoption of his whole conduct; it ſtates Sinclair not only to have acted well, but moderately; and having ſaid this, I call now your attention to the reſolutions of the 17th of January, 1794. Now with reſpect to thoſe reſolutions, Gerald, who had come from the Scotch Convention, was preſent when they were formed; he took the chair immediately after Mr. Tooke had left it, and propoſed a reſolution as offenſive as any of them; and there is no ſingle perſon called to prove that Mr. Tooke, though he did not remain in the chair, did not remain in the room at the time of the paſſing of this reſolution; but that is not neceſſary, for the Correſponding Society's addreſs of the 20th of January, I ſhall ſhew adopted fully in the proceedings of the 24th, by the Conſtitutional Society, and fully adopted in the proceedings of the 28th of March, 1794, and likewiſe the ſubſequent proceedings of the 14th of April, 1794; but the reſolution is a ſtrong one, and I muſt mention it to you—while Mr. Tooke was in the chair they ſtate this—"We call "to mind with the deepeſt ſatisfaction, the merited fate of the "infamous Jeffries, once Lord Chief Juſtice of England, who, "at the era of the glorious Revolution, for the many iniquitous

" ſentences which he had paſſed, was torn to pieces by a brave " and injured people;" and then it is " Reſolved that thoſe " who imitate his example deſerve his fate."* I ſhould hope that men of talents will in future ſpeak plainer.

" Reſolved, that the Tweed, though it may divide Countries, " ought not, and does not make a ſeparation between thoſe " principles of common ſeverity, in which Engliſhmen and " Scotchmen are equally intereſted; that injuſtice in Scotland " is injuſtice in England, and that the ſafety of Engliſhmen is " endangered whenever their brethren in Scotland, for a conduct " which entitles them to the approbation of all wiſe, and the " ſupport of all brave men, are ſentenced to Botany Bay, a pu- " niſhment hitherto inflicted only on felons."

" Reſolved, that we ſee with regret"—and you will obſerve that the Counſel for the priſoner felt themſelves bound to get rid of this—" but we ſee, without fear, that the period is faſt ap- " proaching when the liberties of Britons muſt depend not upon " reaſon, to which they have long appealed, nor on their powers of " expreſſing it, but on their firm and undaunted reſolution to " oppoſe tyranny by the ſame means by which it is exerciſed."*

Now, Gentlemen, I aſk any man what that means? The Courts of Juſtice, acting under a reſponſibility which thoſe Courts are ſubject to in that Country, had paſſed ſentences, which came under the review of Parliament, and, as I may ſay, under the exerciſe of a ſharper writ of error, than the proceedings of any Judges in my recollection ever came. We are told upon this, that the time is faſt appoaching when the people of this Country are to reſiſt tyranny by the ſame means, by which it is exerciſed. What is the meaning of that? I ſay that, when legitimate Government is called tyranny, and when men ſay that you are to reſiſt that tyranny by the ſame means by which it is exerciſed, it amounts to neither more nor leſs than ſaying that you are to reſiſt Government by the ſame means by which it is exerciſed—that is by force. They ſo reaſon about it in the letter of the 11th of January, and Hardy might have been called to prove that Mr. Tooke knew nothing of that matter; it is there expreſsly ſtated that—" Now is the

" time

" time for us to do ſomething worthy of men; the brave de-
" fenders of liberty, ſouth of the Engliſh channel, are per-
" forming wonders, driving their enemies before them like chaff
" before the whirlwind." They proceed to this addreſs of the 20th of January, 1794. Now, with reſpect to that addreſs, I defy the wit of man to give it the conſtruction which they have felt themſelves bound to attempt to give it on the other ſide. After a moſt inflamed introduction, they further ſtate that they approve of the wiſdom and conduct of the Britiſh Convention in Edinburgh, and add: " The Iriſh Parliament and the
" Scotch Judges, actuated by the ſame Engliſh influence, have
" brought us directly to the point; there is no further ſtep be-
" yond that, which they have taken. We are at iſſue. We
" muſt now chooſe, at once, either liberty or ſlavery for our-
" ſelves, and our poſterity. Will you wait till barracks are
" erected in every village, and till ſubſidized Heſſians and Ha-
" noverians are upon us?" What is the meaning of this, which is the language of men, who ſay, that if the kingdom of Great Britain ſhould have introduced into it any foreign troops, even by Act of Parliament, they would immediately meet in a Convention, and reſiſt until they were overcome by ſuperior force? " You may aſk perhaps (they proceed) by what means ſhall
" we ſeek redreſs? We anſwer, that men in a ſtate of civilized
" Society are bound to ſeek redreſs of the grievances from the
" laws, as long as any redreſs can be obtained by the laws, but
" our common maſter, whom we ſerve, (whoſe law is a law of
" liberty, and whoſe ſervice is perfect freedom) has taught us
" not to expect to gather grapes from thorns, nor figs from
" thiſtles. We muſt have redreſs." Now remember whom they have been ſpeaking of through the tranſactions of two years, as their plunderers, their enemies, and oppreſſors, and remember thoſe addreſſes to France, and what I forgot to obſerve upon, the private letters of Mr. Tooke. You will, by and by, have them ſtated with more effect than I can ſtate them—
" We muſt have redreſs from our own laws, and not from the
" laws of our plunderers, enemies, and oppreſſors." Now, what laws are there in this kingdom to which that can be ap-

plied, but the laws of the King, Lords, and Commons, in Parliament assembled? If I mistake the interpretation of this, I hope and beseech that my Lord will give a benign interpretation of it when he comes to state this evidence to you; but I state it as that interpretation which it appears to me is the necessary exposition and interpretation of it:—"There is no redress for a "Nation circumstanced as we are but in a fair, free, and full "representation of the people." Now, give me leave to ask, how is all that you have heard about Monarchy to be connected with this fair, free, and full representation of the people? But if it was meant that this fair, free, and full representation of the people was to be the effect of their wills, and not of the will of the King, Lords, and Commons, in Parliament assembled, whom they thus dare to call their plunderers, enemies, and oppressors, the case is not one bit the worse whether it was meant directly to depose the Monarch of the Country, or to effect the measures which lead to his deposition, and, in consequence, to that which is not far distant—his death. Then (not approving, to be sure, the proceedings of the Convention in Scotland!) they state as follows, and they drop—and this is very material—they drop the case of invasion; they durst not state that case in their resolutions in the Scotch Convention; they dared not to publish it here in England; but they state—"That, during the "ensuing session of Parliament, the General Committee of this "Society do meet daily, for the purpose of watching the pro-"ceedings of the Parliament, and of the administration of the "Government of this Country; and that, upon the first intro-"duction of any bill or motion, inimical to the liberties of the "people, such as for landing foreign troops in Great Britain or "Ireland;"—I ask again what had they to do with that, unless they meant to prevent by force the execution of a law for landing foreign troops—"for suspending the Habeas Corpus "act; for proclaiming martial law; or for preventing the people "from meeting in Societies for Constitutional Information, or "any other innovation of a similar nature; that, on any of these "emergencies,"—now, mind the expression! I have no occasion to argue in this Court of law, what the powers of the people in this

Country

Countrymen—"the General Committee shall issue summonses to "the Delegates of each Division, and also to the Secretaries of the "different Societies affiliated and corresponding with this So- "ciety, forthwith"—to do what?——"forthwith to call a "General Convention"—of whom?—of the Societies?—no!. —"forthwith to call a General Convention of the People." Now, what is a General Convention of the people, but persons taking upon themselves to represent the people—in the character of the people taking upon themselves legislative and executive authority; and, if there could be any doubt about this, which I say there cannot, the doubt is removed at once when you recollect the occasion and emergency upon which they were to be called together—for the very purpose of resisting the first motion that shall be taken towards an act of the Legislature of the Country, which is the genuine Representation or Convention of the people—the people in Parliament assembled—"to be "held at such place, and in such a manner, as shall be specified "in the summons, for the purpose of taking such measures into "their consideration." Gentlemen, this is not all; because you will find in a letter which was written, I think, by Margaret to Hardy, who has not been called to prove that the prisoner knew nothing about it, that Margaret informs him about those Hessians getting into barracks; and desiring to know whether they would wait for this Convention of the people, or yield their necks like lambs to the slaughter, or act for themselves—that this is that time which is described in the letter to Norwich as now come, and which, if lost, will never be regained.

Then, did the gentleman at the bar approve of this? With respect to that, I would call your attention to the transactions of the 24th of January, 1794. Now, all that has been stated upon that, is that these transactions say only—"That it be resolved, that the most "excellent Address of the London Corresponding Society be en- "tered on the books of this Society." Nobody has been called to prove to you that any other Address was meant.—The date is the 24th of January. You will observe, in addition to this, that upon the 24th of January, the London Corresponding Society, in their

Address

Addreſs of the 20th, having approved of every thing which the Scotch Convention had done, the Conſtitutional Society, Mr. Tooke being preſent, and there is a rough draught of the reſolution in his own hand-writing, came to a reſolution, that that Correſponding Society had deſerved well of their Country. Then, Gentlemen, here is an end of all further talk about Sinclair; for, if the Conſtitutional Society, upon the 24th of January, approved of what the Correſponding Society did upon the 20th, and the Correſponding Society on the 20th approved the whole conduct of the Britiſh Convention, Gerald, returning to this Conſtitutional Society—Sinclair, a member of it—Margarot, a member of it—their letters and communications found in the poſſeſſion of the Secretary, how is it poſſible for a moment to argue that Mr. Tooke, preſent, and drawing this reſolution, was not a party to the tranſactions of the Britiſh Convention in Scotland, even if the perſons who did act in this tranſaction had gone beyond their inſtructions? But this is not all; for you will find that afterwards Thelwall ſtates, in a letter to Adams, that by the direction of Mr. Tooke, he was to have ſix guineas for printing the Addreſs of the London Correſponding Society: he pays for them.—And has Mr. Tooke ventured to aſk Adams the queſtion, what were thoſe two thouſand five hundred copies, in reſpect of which theſe ſix guineas were paid by the Society, of which you were Secretary?

Gentlemen of the Jury, we come now to a tranſaction, from which, whether the Convention to be called in conſequence of it was to be a Convention of the People or not, I ſay it is demonſtrable that there was to be a Convention to exerciſe legiſlative and to aſſume executive power, and to be ſupported by force, if neceſſary. This project begun upon the 27th of March, 1794. But if I do not make that out, there is enough in this caſe to ſuſtain what I have been urging. Mr. Hardy might be called with reſpect to this tranſaction of March, 1794; and it is hardly poſſible, when one attends to the ſtyle and context of the letter then ſent, not to think that this would have been an additional motive to have called him, to have aſſiſted the

caſe

caſe of the gentleman, to the extent of ſaying, that he was not a party in this communication to the Conſtitutional Society: that the communication was made, in the name of Hardy, has been proved. Now, my friends, read the letter to which I am alluding, but forget to read the reſolution. They dont like the reſolution, becauſe that ſhews the true expoſition of the letter of the London Correſponding Society, when they ſay they conceive "that the moment is arrived when a full and explicit declaration is neceſſary from all the friends of freedom." Gentlemen, give me leave to call back to you attention, that in Auguſt, 1792, they thought the moment had not arrived—that on the 16th of April, 1793, they thought the moment had not arrived; but they now ſay that the moment is arrived, when a full and explicit declaration is neceſſary:—"The Society for "Conſtitutional Information is therefore required to determine, whether or no they will be ready, when called upon, "to act in conjunction with this and other Societies to obtain a "fair repreſentation of the people."

Now, were theſe people, in the idea of Mr. Tooke, or of any man living who has common ſenſe, to obtain a fair repreſentation through Parliament, who had, in the courſe of their proceedings, determined that they would have a Convention of the people, to ſuperſede and reſiſt Parliament, unleſs they themſelves were ſuperſeded and reſiſted by a ſuperior force? But, Gentlemen, how was this to be done? Why, they talk of the neceſſity of a ſpeedy Convention. Look at this reſolution when my Lord comes to ſum it up to you—"That it is the decided "opinion of this Society, that, to ſecure ourſelves from future "illegal and ſcandalous proſecutions, to prevent a repetition of "wicked and unjuſt ſentences, and to recal thoſe wiſe and "wholeſome laws that have been wreſted from us"—Now, how were they to recal thoſe wiſe and wholeſome laws that had been wreſted from us? There were only two ways of doing it—doing it by application to Parliament, or doing it by the force of ſuch a National Convention as has been deſcribed in prior proceedings! Which do they mean? Do they mean to apply to Parliament?—application to which they had before

ſtated

ſtated to be futile; to that Parliament which they had ſaid they never would approach, and which they had ſtated was incompetent, upon their principles, to give them any remedy? No! What do they ſay?—"There ought to be immediately a Con-"vention of the people"—Now, how is that Convention of the people to be brought about?—"by Delegates, deputed for "that purpoſe, from the different Societies of the Friends of "Freedom, aſſembled in the various parts of this Nation." This new Convention of Delegates is a Convention of the people, by Delegates, from different Societies, who expreſsly had diſavowed having any thing to do with Parliament upon any ſubject. It was found neceſſary, with reſpect to the proceedings of the 4th and 11th of April, 1794, to inſiſt that the gentleman was not implicated in them. It has been proved diſtinctly to you, and I care not how little or how much Mr. Adams knew upon this ſubject, for he is not proſecuted, becauſe I think he knew very little upon this ſubject—but he diſtinctly proved, that gentleman named Sharpe to be one of this Committee of Correſpondence and Co-operation. Beyond all that, and what puts it entirely out of the queſtion, is this, that the very circumſtance which has been ſtated, as a circumſtance to prove that this thing, a Convention of the people, was not to be a Convention of the people, proves very diſtinctly that theſe papers are drawn with a good deal of art; but I defy all human reaſoning to prove, upon the paper of the 11th of April, 1794, that Mr. Tooke did not give his full conſent to this project of a Convention of the people. I allude now to that paper which has many words ſcored round, and which ſcoring round is to have the effect of eraſing. I ſay this Correſponding Society and Conſtitutional Society, which had moſt diſtinctly underſtood each other in all their proceedings, from the 6th of Auguſt, 1792, down to this period, have diſtinctly diſavowed any application to Parliament; and, by their Delegates in the Scotch Convention, acted as Delegates of the People; meaning to have legiſlative and executive power if Parliament interpoſed, and unleſs reſiſted by ſuperior force. When the Correſponding Society talks of having a Convention of the people, in the third

reſolution, by Delegates of the different Societies of the Friends of Freedom, that is the meeting of the Friends of Liberty, which, for the ſake of variation in the phraſe, and without any variation in the ſubſtance of the thing, taken according to all legitimate principles of conſtruction, is elſewhere ſpoken of, and to this Mr Tooke muſt be taken to have given his aſſent upon the 11th of April. Then it is ſaid, that the Scotch Convention did little or nothing. It was, Gentlemen, not the plan that its members ſhould by themſelves do much: but you have the circular letter of Hardy, which is a call upon the people of Great Britain to meet in Convention, to ſuperſede the Legiſlature: you have had it proved that Yorke, whether a member of the Conſtitutional Society or not, attended it, and was honoured with their delegation to the Scotch Convention; and though they did not chooſe to give him as much money as he wanted upon that occaſion, yet there is not a trace upon the books of the Conſtitutional Society, from the beginning to the end, of any diſapprobation of his appointment. You have heard of the meeting in the open air at Sheffield, where a petition to Parliament was propoſed by their leader (for there was a leader at Sheffield as well as other places) for the mere purpoſe of being negatived. You have heard of the letter ſent to Briſtol. you have heard of Hardy's letter to Strathaven. You have heard of the Delegates being appointed to Scotland, and Hardy's letters to Newcaſtle upon Tyne. You have evidence of meetings in the open air—of perſons meeting at Leeds, Halifax, and various other places; and it is impoſſible, upon the evidence which you have upon the ſubject, to doubt for a moment that there would have been a Convention (what the nature or quality would have been is for you to judge) if the proceedings had not taken place in conſequence of which I have the honour of addreſſing you here this day.

Gentlemen, you have heard more than all this, for you have heard of the proceedings at Chalk Farm; and I muſt take leave to ſay, that theſe proceedings are fairly imputable to the gentleman at the bar. You will find that they were informed that there was to be a General Meeting on Monday, the 24th

of

of April, which was the day when theſe proceedings took place. It would have been an eaſy thing for the gentleman to have proved that he had no connection with them, againſt *prima facie* evidence that he has a material connection with them. I particularly allude to the fifth reſolution—"That any attempt to "violate thoſe yet remaining laws, which were intended for the "ſecurity of Engliſhmen againſt the tyranny of Courts and "Miniſters, and the corruption of dependent Judges, by veſt-"ing in ſuch Judges a legiſlative or arbitrary power (ſuch as "has lately been exerted by the Court of Juſticiary in Scotland), "ought to be conſidered as diſſolving entirely the ſocial compact "between the Engliſh Nation and their Governors, and driv-"ing them to an immediate appeal to that incontrovertible "maxim of eternal juſtice. That the ſafety of the people"—you will remember the expreſſion, Gentlemen, in the paper of the 20th of January—"That the ſafety of the people is the "ſupreme, and, in caſes of neceſſity, the only law. That the "arming and diſciplining in this Country, either with or with-"out the conſent of Parliament"—I beg your attention to theſe words——"That the arming and diſciplining in this Country, "either with or without the conſent of Parliament, any bands of "emigrants and foreigners, driven from their own Country for their "known attachment to an infamous deſpotiſm, is an outrageous "attempt to overawe and intimidate the free ſpirit of Britons; "to ſubjugate them to an army of mercenary cut-throats, whoſe "views and intereſts muſt, of neceſſity, be in direct oppoſition "to thoſe of the nation; and that no pretence whatever ought "to induce the people to ſubmit to ſo unconſtitutional a mea-"ſure."

Then I deſire to know whether a Convention being determined upon among theſe people, theſe two laſt reſolutions have not a direct reference to the proceedings of the 17th of January, to the proceedings of the 20th of January, to the proceedings of the 24th of January, and whether they do not demonſtrate, upon all fair reaſoning, that this body which was to meet, was to meet upon a principle which ſuperſeded the neceſſity of all law; and which, according to theſe reſolutions, was to pay as little

little attention to that, which was done with the conſent of Parliament, as that which was done without it. I ſhould be exceedingly glad to know, if it be poſſible to give to ſuch a Convention the character of a body meaning to petition the Parliament of this Country; to convey to Parliament the influence which ought always to be conveyed to it, the influence of thoſe whom they repreſent, ſpeaking to them in a Conſtitutional manner, or whether, on the other hand, this was not to be a Convention of the people, no longer to be governed by their laws, that is the laws of the Legiſlature of the Country, but in the room of the laws of their enemies, plunderers, and oppreſſors, to ſubſtitute their own laws.

Gentlemen of the Jury, If this was to be the character of the Convention, that was to meet in conſequence of theſe proceedings in April, 1794, I conceive, with deference to the wiſdom that preſides here (it is my buſineſs to do my own duty as well as I can, and I am wedded to no opinion; I ſhall be, as an individual, moſt happy if any errors in my opinion are found favourable to the gentleman at the bar) if this be the character of that Convention which was to meet in conſequence of the proceedings upon the 14th of April, 1794; if from the whole tenor and purport of the evidence, which has been given, it is abundantly clear, as I conceive it to be, (I ſhould be happy if my conception be wrong, but I neither can diſcover my error in the law, or in fact) if the whole tenor of the proceedings ſtated to you proves that it was finally intended to bring about that National Convention, ſuch as has been recommended in every ſtep of the proceedings of theſe perſons, from the 6th of Auguſt, 1792, down to the moment that I am now ſpeaking, I then conceive the caſe is proved. And then, Gentlemen, it will not be enough for the gentleman at the bar to ſatisfy you that he thought this at the time an imprudent meaſure;—that he thought it would not yet do;—that he thought that the time was not yet come. If he aſſented to the meaſure, though the meaſure was unequal at the time to the purpoſe, and the meaſure be of the character which this indictment charges it to be, it ſignifies nothing that he thought the purpoſe of it could not then be

accompliſhed. Gentlemen, I ſay, beyond that, that you are bound to find this gentleman guilty, if he is guilty of any one overt-act in this indictment, and, if you negative what is ſtated about a Convention, about writings that are ſtated in the indictment, as publiſhed for the purpoſe of procuring the traitorous Convention to be holden; if you negative other overt-acts, yet if you find one overt-act in this indictment ſupported, which amounts to a manifeſtation of that intent, which the ſtatute of Edward the Third requires to be manifeſted by an open deed, the caſe is then alſo made out againſt the gentleman at the bar.

Now, Gentlemen of the Jury, after apologizing to you for having taken up ſo much of your time, I would beg your attention ſhortly to what paſſed at Sheffield. I won't go through it, becauſe I am really myſelf exhauſted, and I perceive that many of you are. I conclude the caſe by ſaying this, that if it ſhall have happened at Sheffield, for inſtance, that arms have been provided; if it ſhall have happened that the reaſon aſſigned for providing arms at Sheffield, cannot poſſibly apply to the fact of ſending to London a communication that ſuch arms were to be ſent up to London, though there be no direct evidence with reſpect to the gentleman at the bar as to theſe arms, I think it conſiſtent with my duty to ſubmit to you whether all that has been ſtated to you, in which he is concerned, did not, in its neceſſary conſequence, lead to that proviſion of arms, which actually does exiſt in the caſe. I ſay no more of it.

Gentlemen of the Jury, I ſay further, that in my view of this caſe, as the beſt conſideration of it enables me to judge of it, it is not neceſſary (but whether I am right or wrong in that, you will be better adviſed by my Lord) it is not neceſſary that any thing like a hoſtile weapon ſhould have been prepared, if the purpoſe was finally to bring about a National Convention to act by force, when it began to act; if a ſtep was taken to form that Convention, which was ſo to provide itſelf with force when it was formed, I apprehend this caſe is eſtabliſhed.

Gentlemen, having ſtated thus much to you, I have now only to ſay, that having diſcharged my duty to the beſt of my ſtrength

ſtrength and power, I do moſt humbly intreat of the Court, that the gentleman at the bar may have the full benefit of a complete correction of every error into which I have fallen in point of law, and I do moſt humbly beſeech of you, Gentlemen, for in the ſituation which I hold in the Country, to a certain degree, at leaſt, I ought to be Counſel for thoſe whom I proſecute, as well as Counſel againſt them; if I have miſtaken, I think I have not, but if I have miſtaken the reſult of the facts, I moſt anxiouſly beſeech you that he may have the full benefit of a complete correction of ſuch my miſtake, of ſuch reſult, from you. May God Almighty direct you to a right verdict, and, whatever your concluſion upon the caſe is, may he grant that it may have a tendency to ſecure the peace and happineſs of the Country in which we live!

SUMMING UP.

Lord Chief Justice Eyre.

Gentlemen of the Jury,

The Prisoner at the bar, John Horne Tooke, stands indicted for having, together with Thomas Hardy, John Augustus Bonney, Stewart Kyd, Jeremiah Joyce, Thomas Wardle, Thomas Holcroft, John Richter, Matthew Moore, John Thelwall, Richard Hodgson, and John Baxter, compassed and imagined the death of the King. The language of the charge is—"That they conspired, compassed, imagined, and intended to stir up, move and excite insurrection, rebellion, and war against the King, within this Kingdom of Great Britain; and to subvert and alter the Legislature, Rule, and Government therein established; and to depose the King from the royal state, title, power, and government of this Kingdom; and to bring and put the King to death. And that to fulfil, perfect, and bring to effect their Treasons and treasonable compassings and imaginations, aforesaid, they committed several overt acts, which are charged in this indictment."

The first overt act charged is, "their meeting, consulting, conspiring, and agreeing to cause and procure a Convention and Meeting of the King's subjects, to be assembled within the Kingdom, with intent and in order that the persons so to be assembled, might without and in defiance of the authority and against the will of the Parliament, subvert and alter, and cause to be subverted and altered, the Legislature, Rule, and Government now established, and to depose and cause to be deposed the King, from the royal state, title, power, and government thereof."

The second overt act charged is, "the writing, composing, and publishing (the more readily and effectually to assemble such Convention, for the traitorous purposes aforesaid, and thereby to accomplish

accompliſh the ſame) divers books, pamphlets, letters, inſtructions, reſolutions, orders, declarations, addreſſes, and writings, purporting and containing therein incitements, encouragements, and exhortations, to move, induce, and perſuade the King's ſubjects to chooſe, depute, and ſend, and cauſe to be choſen, deputed, and ſent, perſons as Delegates, to compoſe and conſtitute ſuch Convention."

The third overt act charged is, "the meeting, conſulting, and deliberating the more readily and effectually to aſſemble ſuch Convention, for the traitorous purpoſes aforeſaid, concerning the calling and aſſembling ſuch Convention, and how, when, and where the ſame ſhould be aſſembled and held, and by what means the ſubjects of our ſaid Lord the King ſhould and might be induced and moved to ſend perſons as Delegates to compoſe and conſtitute the ſame."

The fourth overt act charged is, "the conſenting and agreeing, for the ſame purpoſe, that Jeremiah Joyce, John Auguſtus Bonney, John Horne Tooke, Thomas Wardle, Matthew Moore, John Thelwall, John Baxter, Richard Hodgſon, John Lovett, William Sharpe, and John Pearſon ſhould meet, confer, and co-operate among themſelves, for and towards the calling and aſſembling ſuch Convention."

The fifth overt act is, "the cauſing and procuring to be made and provided, and conſenting and agreeing to the making and providing of divers arms and offenſive weapons, that is to ſay, guns, muſkets, pikes, and axes, for the purpoſe of arming divers ſubjects of our ſaid Lord the King, in order, and to the intent that the ſame ſubjects ſhould and might unlawfully, forcibly, and traitorouſly oppoſe and withſtand our Lord the King in the due and lawful exerciſe of his royal power and authority, in the execution of the laws and ſtatutes of this realm, and ſhould and might unlawfully, forcibly, and traitorouſly ſubvert, and alter, and aid, and aſſiſt in ſubverting and altering, without and in defiance of the authority, and againſt the will of the Parliament of this Kingdom, the Legiſlature, Rule, and Government eſtabliſhed in this Kingdom, and to depoſe, and to aid and aſſiſt in depoſing the King from the royal ſtate, title, power,

and government of this Kingdom."

The ſixth overt act is, "the meeting, conſpiring, and agreeing to raiſe, levy, and make inſurrection, rebellion, and war within this Kingdom againſt the King."

The ſeventh overt act charged is, "the meeting, conſpiring, conſulting, and agreeing to ſubvert and alter, and cauſe to be ſubverted and altered, the Legiſlature, Rule, and Government eſtabliſhed in this Kingdom, and to depoſe, and cauſe to be depoſed, the King, from his royal ſtate, title, power, and government of this Kingdom."

The eighth overt act charged is, "the preparing and compoſing divers books, pamphlets, letters, declarations, inſtructions, reſolutions, orders, addreſſes, and writings, and diſperſing the ſame, containing therein incitements, encouragements, and exhortations to move, induce, and perſuade the ſubjects of our ſaid Lord the King to aid and aſſiſt in carrying into effect ſuch traitorous ſubverſion, alteration, and depoſition, and alſo containing therein information, inſtructions, and directions to the ſubjects of our ſaid Lord the King, how, when, and upon what occaſions the traitorous purpoſes laſt aforeſaid ſhould and might be carried into effect."

The ninth overt act charged is, "the procuring and providing arms and offenſive weapons, to wit, guns, muſkets, pikes, and axes, and therewith to levy and wage war, inſurrection, and rebellion againſt our ſaid Lord the King, within this Kingdom."

Gentlemen, a ſhorter abſtract of this indictment is, that the firſt four overt acts mentioned in the indictment reſpect the aſſembling a Convention, for the purpoſe of uſurping the Government; three of the other overt acts, that is to ſay, the fifth, the ſeventh, and the eighth, reſpect a conſpiracy to ſubvert the Government, without taking notice of the aſſembling a Convention; the ſixth and ninth overt acts reſpect a conſpiracy to levy war.

Gentlemen, I perceive it is expected of me that I ſhould undergo the fatigue and labour of ſumming up to you the whole of this caſe which has been laid before you in evidence; I ſhall, with

with the aſſiſtance of the officer, execute that duty as well as I am able. When I have ſtated to you, and you have heard the particulars of the evidence, I ſhall then ſtate to you, in as few words as poſſible, what I conceive to be the points for your conſideration; how the evidence bears upon the different parts of the indictment; and what will be ultimately the queſtion for your conſideration.

Gentlemen, they began with calling Maclean, the meſſenger, who told you, that upon the twelfth of May, he went with a warrant from the Secretary of State, to the houſe of Daniel Adams; that he there ſeized certain books and papers; and that the book now produced is one of thoſe books and papers.

Mr. Woodfall was then called, in order to prove that in a particular paper ſhewn to him there is the hand-writing of Mr. Horne Tooke, who now ſtands at the bar. He ſaid he believed the paper had his hand-writing in it; that he had ſeen him write; and that his writing had paſſed through his, (the witneſs's) hands upon more than one occaſion.

Upon his croſs-examination, he ſaid it was full ſeventeen years ago—I think, upon being particularly preſſed upon the ſubject, he ſaid it might be nineteen years ago when he ſaw Mr. Horne Tooke write; he mentioned that there was a particular advertiſement, which was to be inſerted in ſome of the newſpapers; that Mr. Horne Tooke wrote upon that advertiſement—" For the Morning Chronicle and London Packet;" he ſays, to the beſt of his judgment, and from his recollection of the hand-writing, he believes the paper produced is of the priſoner's hand. And upon the credit of that teſtimony reſts the proof of the hand-writing of Mr. Horne Tooke to all the papers that have been produced in the courſe of this enquiry, which have been ſuppoſed to be written, either in part or in the whole, by Mr. Horne Tooke. He obſerved upon a difference, with regard to the particular paper now produced, of an *r* in the word chairman; but I think nothing very material turns upon that.—The paper is a paper of the 28th of March, 1794.

(Vide vol. 1, page 85.)

Mr. Woodfall was examined as to the hand-writing of a book, the outside of which was entituled, "The Conſtitutional Club;" he proves it to be the hand-writing of Mr. Horne Tooke, but I do not perceive that any uſe has been made of that book in the courſe of the cauſe.

The next witneſs is Daniel Adams;—he ſaid that he had been Secretary to the Conſtitutional Society for ten years; that the book produced to him was the book of that Society; that Mr. Horne Tooke was a member; that the uſage was to put down as preſent at the different meetings the names of the perſons, who might in fact not have been preſent; he explained that, he ſaid many names were put down as the perſons came, but that they often went away ſoon after they came, that they frequently dined together, that the Society was formed at ſeven in the evening, and the names of the perſons who dined, if they were members of the Society, were entered; that the minutes of the former meeting were read over at the commencement of the new meeting; he does not know that there were any corrections of thoſe minutes in the hand writing of Mr. Horne Tooke. He ſaid that during the meetings the books lay open; that Mr. Tooke was frequently there, but ſometimes he did not ſtay long, living out of town. He was aſked as to the minutes of the different reſolutions being handed up by different people, he ſaid he could not ſpeak to that. As to one of the books produced, he ſaid it was before the time that he was Secretary; he ſaid that the perſon who was in the chair might not remain all the evening in the chair, but he never put down the name of any perſon as being in the chair, who had not taken the chair; it might happen that he might not ſtay the whole time; he ſaid that the entries were true as far as he knew; that as to the names of the perſons who were ſet down as preſent at the different meetings, they were generally put down on one piece of paper, but that the reſolutions were often upon ſlips of paper.

He ſaid, that there was not only the Society for Conſtitutional Information, but likewiſe the Conſtitutional Club, who dined together; that the dinner was at a quarter paſt four; that not only the members but other perſons alſo dined; he ſaid, the priſoner

Yorke was a member before he himſelf became Secretary; and that at the time he was candidate for the office of Secretary, it was known that he had a place in a public office. He ſaid there were books of account of the expenditure kept by the Society, which were ſeized with the other papers; he ſaid they ſubſcribed a guinea a-year; that the Society was never very rich; that the amount of the ſubſcriptions might be about ſixty pounds; and that perhaps fifty pounds of that ſixty might be for the neceſſary expences, and he himſelf was generally in advance. He ſaid he recollected the tranſaction upon the twenty-fifth of October, 1793, and that the priſoner was there; and he recollected that there was an extraordinary meeting propoſed on that day, to conſider of ſending Delegates to the Britiſh Convention in Scotland, but that Mr. Tooke was not there at that time; he ſaid he, as Secretary, was directed to ſend ſummonſes to different members for that meeting; he recollects that he ſent none to Mr. Tooke becauſe two of the members undertook to go to him, and inform him that ſuch a meeting was intended; the names of theſe two perſons were Mr. Sinclair and Mr. John Williams; he ſaid the meeting was accordingly held upon the twenty-eighth, that the priſoner was not there; he ſaid that he had reaſon to know that Mr. Horne Tooke ſpoke with anger of ſending Delegates to the Scotch Convention; he underſtood by the converſation of almoſt all the members, that the priſoner very much objected to it; he ſaid that there was even a report among them that he was bribed by the Government.

He was aſked as to one Yorke; he ſaid he never underſtood that Yorke was a member; that Yorke did not go to Scotland becauſe he wanted money, and there was none for him; that they had hardly any to give to Sinclair who did go; he ſaid he ſent Sinclair word that he had better come home, that his going there was generally diſapproved of, and his being there was diſapproved of; he ſaid he did not know that Mr. Horne Tooke ever ſubſcribed to the expence of ſending theſe Delegates; he ſaid he wrote to Mr. Sinclair more than one diſcouraging letter upon the ſubject of his ſtaying at Edinburgh. He ſaid the Society adjourned from the eighth of November to the ſixth of December,

and

and from thence to the tenth of January; he recollected that upon the twentieth of June, 1793, there was a meeting of the Society, and that Yorke's name was down as being preſent at that meeting, and he believed he was preſent; he recollected that he himſelf objected to Yorke's being preſent, underſtanding him not to be a member of the Society; that Yorke preſſed for another meeting, there being at that time an appearance of an intention to adjourn the meeting; that upon that occaſion there was an addreſs reſolved on, but that that addreſs was never drawn up.

He ſaid Mr. Tooke lived at ſome diſtance from London, that he has a ſmall family, and often went home early; he has ſometimes deſired Mr. Horne Tooke to ſtay, to prevent the Society from doing ſome act which he did not wiſh ſhould take place; that Mr. Horne Tooke's opinion was, that the Society ſhould lay upon their oars, and adjourn to as diſtant a day as they could. Mr. Horne Tooke always profeſſed that he never would conſent to any meaſure that he would not ſign. Major Cartwright was called the Father and Founder of the Society. He ſaid that they were not aquainted with the contents of the books and papers of other Societies, and that it was not much the cuſtom of the members of this Society even to read over their own proceedings; that upon an average not more than ten uſed to meet.

He was aſked as to arms, he ſaid there were no arms in the Society, and no talk of arms; he ſaid that all the members were not of the ſame way of thinking. He was aſked as to a Secret Committee of this Society, he ſaid there was no ſuch thing as a Secret Committee, that every thing was tranſacted openly and publickly, that there were frequently Committees of Correſpondence named, but there were not above one or two letters written to his knowledge. He was asked as to the printing a number of copies of papers that the reſolutions of the Society purported ſhould be printed; he ſaid that there never was a quarter part of a hundred thouſand papers printed, he did not know of more than five thouſand at any one time; he thought he could venture to ſay it never exceeded ten thouſand; he knew that a hundred thouſand had been ordered to be printed, but very often

none

none at all had been printed; he did not know that there was any correſpondence, except from France, and that as to that, no anſwer was ſent to it; they were often reproached for not anſwering letters: he ſaid other members often went home with Mr. Horne Tooke, and he mentioned Mr. Sharpe in particular.

He ſaid when he firſt became Secretary they uſed to print pamphlets, and diſtribute them gratis, but that this had not been the practice for the laſt three or four years, that ſome however may have been printed; he remembered having mentioned to Mr. Horne Tooke his apprehenſion that he ſhould be diſmiſſed from his place. He was asked whether he recollected Mr. Horne Tooke ſaying to him that the Society could do him no good, and adviſing him to go and give an account of all that he knew; that circumſtance he did not recollect: he ſaid the Privy Council had before them the books of expenditure of this Society; that they could not afford to print much, and he thought they never meant to print many of thoſe copies that the reſolutions went to. Upon the fourteenth of November, 1792, a hundred thouſand copies were ordered to be printed and diſtributed among their correſpondents in England and Ireland, but that in fact there were no correſpondents in Ireland that he knew of, and he ſaid Mr. Horne Tooke very often laughed at the inſignificance of that Society. He was asked by Mr. Horne Tooke whether he had ever known him ſpeak of the right which every man had to vote. I rather believe Mr. Horne Tooke expected the anſwer would be that he had ſpoken againſt that idea, but the witneſs ſaid he has heard Mr. Horne Tooke ſpeak of being for every mans voting. He ſaid he was preſent at the anniverſary of the Society upon the ſecond of May laſt; he could not call to his memory what Mr. Tooke interrogated him to, being in another part of the room.

He ſaid he attended the anniverſary of the French Revolution in 1790; that there were ſome reſolutions put which he thought were ſtrong, and there were ſome which Mr. Horne Tooke ſtopped. He was asked whether he had ever obſerved that there was any intention in Mr. Horne Tooke, or any of the Society, to depoſe

kill the king, he ſaid no, they were neither bold enough, nor ſtrong enough, to undertake any ſuch thing; he ſaid the greater part were for Parliamentary Reform, but perhaps all of them in different ways; he believed that all of them however expreſſed what they meant, and that it was not a pretext which they uſed; that they were ſincere in wiſhing a Reform in the Commons Houſe of Parliament, but did not all agree in the manner. He ſaid letters were ſent to them from Scotland, he did not recollect what anſwers were returned. He was asked whether he had given up all the papers that he had to Government at the time his papers were ſeized; he ſaid that he did not know that any papers were kept back from Government.

He ſaid there was a Committee of Correſpondence appointed upon the fourth of April, 1794; he remembered upon that occaſion Mr. Horne Tooke, who as I underſtood him was preſent, ſaid that his health would not permit his being of that Committee, and he thought that Mr. Horne Tooke did not in fact ever meet that Committee, nor did he know that in fact that Committee ever met. He ſaid that upon the eleventh of April the Committee of Correſpondence was appointed to be the Committee of Co-operation; he did not know that Mr. Horne Tooke ever met that Committee, and he did not underſtand that he was a member of that Committee; he ſaid he remembered there was a notice given by Mr. Horne Tooke that he ſhould move for two books to be provided, in which the names of particular perſons were to be entered, and he ſaid that there was a little laughing upon the ſubject of that motion, but that in fact the motion never was made, and the books never were procured.

He ſaid that Mr. Horne Tooke ſaid upon one occaſion, that if there were to be a meeting of the Friends of Liberty at Wimbledon Common for any good purpoſe, he would be found there, but that he would not go any where elſe. You recollect Mr. Horne Tooke obſerved that there was ſomething againſt him and ſomething for him in that anſwer; that whatever his zeal might be to meet the Friends of Freedom, he would not go far in order to give them his aſſiſtance. He ſaid that there is a Revolution Society which meets once a-year, in November, he remembered

bered a toaſt being given by Mr. Horne Tooke at that Revolution Society, and the toaſt was in theſe words—" May the " people of this Country never forget or forſake the preſent " family on the throne, until it ſhall appear, by their conduct, " that they have forgotten, or forſaken, the principles that placed " them on it."

He ſaid Mr. Tooke eſtabliſhed the dinner club, in order to procure, as he underſtood, a better attendance upon the Society; that the great end they had in view was a Parliamentary Reform. He was aſked whether there was any great ſelection as to candidates for this Society—whether they were often black-balled; he ſaid, that in ten years he did not believe that more than ten were black-balled; he ſaid, he could not undertake to ſwear that the perſons whoſe names are ſet to the reſolutions were preſent when all the reſolutions paſſed; he ſaid, in reference to a motion which appears to have been made in this Society in 1793, that Barrere, St. André, and Roland, ſhould be made honorary members of that Society; that no notice was ever ſent to them of their election; and there being in the books of the Society an order for entering the ſpeeches made by thoſe perſons as they were publiſhed in the Moniteur of Paris, that, in point of fact, the ſpeeches were not entered; and he ſaid, he never had the newſpaper in which they were contained, and he did not know that that newſpaper was ever circulated in the Society; he ſaid, that, after the commencement of the war, there was no correſpondence with France.

He was aſked as to a letter from Margarot to Hardy, ſpeaking of Sinclair being ill, but as having been baſely abandoned by the Society; he ſaid, he remembers ſeeing ſuch a letter. He was aſked as to Mr. Horne Tooke's health—whether he had not quitted London upon account of ill-health; he ſaid, that three years ago Mr. Tooke did quit London on account of ill-health, and went to reſide at Wimbledon. The witneſs being further examined, looked at an entry in the book on the eleventh of April, 1794, he ſaid, Mr. Joyce was then in the chair, and Mr. Horne Tooke appears to be named as preſent.

They then read the proceedings of the Society for Conſtitu-

tional Information on the eleventh of April, 1794.

[*Vide vol.* 1, *page* 311.]

The uſe that is made of this paper is, to bring home to Mr. Horne Tooke's knowledge the tranſactions of that Committee, originally of Delegates, and afterwards of Correſpondence and Co-operation, at which it appears, by the evidence of Mr. Adams, that he was not himſelf preſent. Though not preſent, if he drew up the reſolutions, or was privy to the reſolutions, that certainly is evidence to ſhew that he was privy to and concurred in theſe reſolutions, though he was not himſelf preſent at the meeting when theſe reſolutions were come to.—Such is the nature of the evidence.

They next produced a paper ſigned alſo by Mr. Horne Tooke, purporting to be the minute of a reſolution which paſſed in the Conſtitutional Society upon the 24th of January, 1794.

[*Vide vol* 1, *page* 273.]

This minute is proved by Mr. Woodfall to be partly in the hand-writing of Mr. Tooke; as to the reſt Adams did not know whoſe hand it was, but rather thought it might be Mr. Bonney's.

They then examined the witneſs, Adams, to different entries in the books of the Conſtitutional Society, in order to ſatisfy you that the tranſactions really paſſed according as they are entered in theſe books, to the beſt of the knowledge of this witneſs, who was the Secretary of this Society; this he proved: his evidence, however, is always to be taken with the evidence that he before gave, that though the names of particular perſons appear to have been ſet againſt the particular meetings, it might happen that the name of a perſon might be there who did not remain at the time that a particular reſolution paſſed; becauſe, he ſaid, it often happened that a perſon whoſe name was ſet down, having dined there, and being there at the opening of the meeting, went away before the particular reſolution paſſed. With that reſerve he goes through the book, and does

eſtabliſh

eſtabliſh that the entries are fairly made, to the beſt of his knowledge, and that the names are fairly ſet down of the perſons preſent, in ſome part of the evening, when theſe different meetings were held, and theſe reſolutions were paſſed. This evidence goes to all the tranſactions of the whole period from 1791 down to 1794, when Mr. Adams's knowledge of the tranſactions of this Society ceaſed, by his being apprehended. I am afraid it will be neceſſary for me to go through his evidence reſpecting the entries in theſe books, becauſe there were circumſtances of evidence interſperſed which are collateral to the ſubject matter of the entries, and which may be thought material on one ſide or the other.

He firſt ſpoke of the entry of the twenty-third of March, 1792, when thanks were given to Thomas Paine for his moſt maſterly book, entitled, The Rights of Man; and there is an order to diſtribute copies of this book to all their correſpondents in England, Scotland, and France; and this reſolution was to be publiſhed.—Mr. Horne Tooke appeared to be preſent.

Upon the firſt of April, 1791, Mr. Horne Tooke appears alſo to be preſent, when there was an order that the reſolution ſhould be republiſhed in certain papers named; many of them were the Country papers. The witneſs ſaid he did not know whether they were in fact publiſhed accordingly or not.

Upon the ninth of March, 1792, Joel Barlow, the author of the Privileged Orders, was propoſed as an honorary member by Mr. Tooke, ſeconded by Mr. Sharpe.

Upon the ſixteenth of March thanks were given to a Society at Mancheſter for a communication which they made, and a declaration of the hearty concurrence of this Society. The rough draft of this appears to be in Mr. Horne Tooke's hand-writing.

Upon the twenty-third of March, 1792, there is a reſolution, the minutes of which were in Mr. Horne Tooke's hand; the reſolution is—That the Conſtitutional Society approve of a communication from the Sheffield Society. There is a draft of a letter to the Sheffield Society produced; the witneſs ſaid he did not know whoſe hand-writing it was; Mr. Woodfall, however,

however, ſaid that the main body of it is Mr. Horne Tooke's hand;—there mention is made of aſſociating twelve of the Sheffield Society, as members of the Conſtitutional Society.

Upon the twentieth of April, 1792, there was a communication from the Three Tuns in the Borough of Southwark; and he ſaid that there were thanks voted, and a reſolution to publiſh that vote. Upon the twenty-ſeventh of April, 1792, when Mr. Tooke was preſent, there was a letter produced; and, upon the fourth of May, Mr. Tooke was preſent, when there was an entry of a letter to the Revolution Society at Norwich, and when Mr. Paine was made an honorary member. And there is an entry of their approbation of Mr. Paine's writings.

He was aſked whether a letter produced was the original letter; he ſaid he believed it was the letter, but he did not undertake to know the hand-writing. He ſaid that Mr. Martin was propoſed by Mr. Horne Tooke to be an honorary member, and ſeconded by Mr. Froſt; he ſaid that a letter was afterwards received from Martin, to thank them for the honour they had done him; but he would not undertake to ſay whoſe hand the letter produced was. He ſaid there was a meeting of the Society upon the eleventh of May, 1792—Mr. Tooke was preſent; an Addreſs was voted to the Jacobins, and there was a reſolution that Mr. Horne Tooke tranſmit it to Monſieur Petion, at Paris. There was another reſolution, that the Addreſs be read a ſecond time at the next meeting, with a view to its being ordered to be publiſhed. Upon the eighteenth of May, 1792, at a meeting of the Society, Mr. Tooke being in the chair, that Addreſs was accordingly read, and ordered to be publiſhed. He ſaid, a letter was received from Mr. Paine, that he was about to publiſh a cheap edition of his Rights of Man; there was a reſolution to thank Paine, and to ſupport him, and a Committee was appointed to enquire into the intended proſecution againſt him; three thouſand copies of Paine's letter and the reſolutions were ordered to be publiſhed, and to be tranſmitted to the aſſociated Societies; and this reſolution was alſo ordered to be publiſhed. At a meeting upon the twenty-fifth of

May,

May, Mr. Horne Tooke being preſent, ſix thouſand more copies were ordered to be printed and diſtributed to the different Country Societies, in the reſpective proportions expreſſed in the reſolutions. There was a meeting of the Society on the firſt of June, 1792, Mr. Horne Tooke being preſent; there was a report from the Secretary, that there had been copies of the bills ordered at the laſt meeting ſent to the different Societies, according to the order at the laſt meeting—Mr. Adams ſaid, he had no doubt they were accordingly ſent. He ſaid, there was a letter from the London Correſponding Society, of the thirty-firſt of May, 1792, ſigned Margarot and Hardy, which was ordered to be publiſhed in ſuch newſpapers as would receive the advertiſements of this Society. Upon the fifteenth of June, he ſaid, there was a meeting, when Mr. Horne Tooke was in the chair; read a letter from the London Correſponding Society; twelve thouſand copies of Paine's letter to Mr. Dundas were ordered to be printed, and a Committee was appointed to conduct this operation, of which Mr. Horne Tooke was one—The minutes are produced, and they appear to be Mr. Tooke's hand-writing. He ſaid, there was a meeting upon the twenty-ſecond of June, 1792—Mr. Tooke preſent; a ſubſcription was entered into for the benefit of Mr. Paine. Upon the twenty-ninth of June, 1792, the Committee which had been before nominated to conſider of a plan for the diſtribution of the twelve thouſand copies of Mr. Paine's letter to Mr. Dundas, reported a plan, which was adopted; whether to be printed or no he could not tell. Upon the thirteenth of July, 1792, ſix perſons, members of the Correſponding Society, were elected as aſſociated members. There was another meeting of the Society upon the fifth of October, 1792—Mr. Horne Tooke preſent; it does not appear that any thing material was done.

He ſaid, there was a meeting upon the twelfth of October, 1792, Mr. Horne Tooke being preſent; a letter, written by Joel Barlow to the National Convention of France, was read; and Mr. Joel Barlow wrote to the Society, expreſſing his ſatisfaction at being made an honorary member. There was at the ſame time an Addreſs from the London Correſponding Society

to the National Convention of France read and entered. Upon the nineteenth of October there was a meeting, Mr. Horne Tooke in the chair; an anſwer to Mr. Joel Barlow was read, which was ordered to be publiſhed; Mr. Horne Tooke was appointed one of a Committee to confer with the Delegates of the London Correſponding Society reſpecting an addreſs to the National Convention of France. Upon the twenty-ſixth of October, 1792, there was a meeting of the Society, Mr. Horne Tooke preſent; addreſſes were recommended by the Committee of that Society; they were not to preſent a joint addreſs to the Convention, but to preſent ſeparate addreſſes. At a meeting upon the ninth of November, Mr. Tooke being preſent, an addreſs to the French Convention from this Society, was read and approved, and Mr. Barlow and Mr. Froſt were appointed to preſent it, and they were thanked for accepting that appointment. At a meeting on the fourteenth of December, Mr. Tooke being preſent, an addreſs from Manchester was read, and ordered to be printed in the newſpapers, and a hundred thouſand copies were ordered to be printed. He ſaid there was a letter from Laon began to be read upon that day, but it was in French, and he thinks the reading was not purſued. Upon the twenty-firſt of December, 1792, a Committee of Correſpondence was appointed, of which Mr. Tooke was one. Upon the fourth of May, 1792, Mr. Tooke propoſed Mr. Gerald as a member of this Society. Upon the eighteenth of January, 1793, Mr. Tooke being preſent, St. André, a French gentleman, was aſſociated a member of this Society. Upon the twenty-fifth of January, Mr. Tooke being preſent, Roland and Barrere were alſo made honorary members of this Society. Upon the firſt of February, Mr. Tooke being preſent, there was a letter from the Society at Sheffield, requeſting to have twelve of their members aſſociated to this Society. Upon the fifteenth of March, 1793, Mr. Tooke being preſent, thanks were voted to Joel Barlow and John Froſt, for their having executed their commiſſion to the National Convention of France, approving of the manner in which they had conducted themſelves. Upon the eighteenth of May, 1792, Mr. Tooke propoſed Mr. Sinclair as a member. Upon the

twelfth

twelfth of April, 1793, Mr. Tooke being preſent, an anſwer to a letter from Norwich was voted. Mr. Tooke is ſtated to be preſent upon the twenty-firſt of June, 1793, and the twenty-eighth of June. Upon the twenty-fifth of October, 1793, Mr. Tooke was preſent, Sinclair read a letter with an addreſs from Skirving, who was Secretary to the Convention of the Friends of the People in Scotland, to the Secretary of the London Correſponding Society. Upon the ſixth of December, 1793, a meeting was appointed for the ſecond Friday in January, to conſider of Mr. Sinclair's letters. Upon the twenty-eighth of March, 1794, Mr. Tooke being preſent, they came to a reſolution to enter upon their minutes a letter from the London Correſponding Society. Upon the fourth of April, 1794, Mr. Tooke being preſent, certain reſolutions paſſed. Upon the ninth of May, 1794, Mr. Tooke being preſent, two thouſand copies of a pamphlet were ordered to be printed.

The witneſs then ſaid, that though there had been an order upon the twenty-fourth of January, for the addreſs of the London Correſponding Society to be entered in the books of the Society, in point of fact it was not entered, and he could not take upon himſelf to ſay who the individuals were that had come to the reſolution upon that ſubject. He was aſked whether in the year 1790, Mr. Tooke was not a candidate for Weſtminſter, he ſaid he was; he was aſked whether Mr. Vaughan was a member of the Conſtitutional Society, he ſaid he was not a member, and that they did not admit ſtrangers to the Society, but that Mr. Vaughan might probably dine there with that part of the Society that made the Dinner Club. He ſaid Mr. Tooke was not preſent upon the twenty-fifth of October, 1793; he would not undertake, however, to ſay that he was not preſent at any part of the meeting.

Having thus gone through the account of the different entries in the book, in order to ſhew, that in fact, they were entries of tranſactions that really happened; they then began to read the entries diſtinctly, and at large, from the book; they began with the entry of the twenty-third of March, 1791, that the thanks of this Society be given to Mr. Thomas Paine

for his masterly work, the Rights of Man, that you will, therefore, now hear read.

[*Vide vol.* 1, *page* 145.]

They then call Thomas Chapman, in order to identify the book called the Rights of Man, and with a view that such parts of it as were thought to be material to the case should be read in evidence; he said he printed part of the Rights of Man for the author; the book was delivered in, and they read some passages from it; those passages you will now hear again.

[*Vide vol.* 1, *page* 147]

The next thing they read was an entry from the books of the Constitutional Society, upon the twenty-second of July, 1791; this had not been mentioned by Adams in giving his evidence, but he afterwards substantiated this entry; Mr. Horne Tooke was not present; it contains the original, and the translation of an address from a Society in France, which was ordered to be entered. It is addressed to the Friends of Liberty assembled together in London upon the fourteenth of July, 1791, to celebrate the French Revolution.

[*Vide vol.* 1, *page* 148.]

Some questions were put to Mr. Adams by way of cross-examination, but I think nothing material arose from them.

The next witness, John Thompson, spoke to a paper found at Mr. Horne Tooke's house at Wimbledon; it has no date; there are two parts, one is interlined with Mr. Horne Tooke's hand, as is proved by Mr. Woodfall, the other part is in a different hand-writing—it is an address and declaration at a select meeting of the Friends of Universal Peace and Liberty.

[*Vide vol.* 1, *page* 151.]

The material passage which I suppose they mean to insist upon on the part of the prosecution seems to be this—"We "assert that it is the inherent right of the nation to establish "such a Government for itself as best accords with its happi-"ness."

ness." As far as reſpects the alteration in the French Government, it does not ſeem as if it would have any very material application to the preſent caſe.

The next was a paper found in Mr. Tooke's houſe by Thornton, one of the perſons who aſſiſted at the time of ſeizing Mr. Tooke's papers, and which purports to be a letter from Mr. Cooper, of Mancheſter, upon the ſubject of making an abridgment of Paine's works. I do not think it very neceſſary to trouble you with hearing that letter read. There is another letter alſo from the ſame perſon, bearing date the twenty-ninth of Auguſt, 1791, ſpeaking of having received a letter from Mr. Tooke, and other ſubjects not extremely material to the preſent enquiry. Among other things, it ſpeaks of a Mr. Wheeler, a Printer, at Mancheſter, having had ſome difficulties about printing ſome of the works which Mr. Walker, of Mancheſter, wiſhed to be printed.

The next piece of evidence is a paper which was ſeized at the houſe of Hardy, which is proved, by Mr. Woodfall, to have interlineations in it, and four lines at the bottom of Mr. Tooke's hand-writing; this you will hear read, it ſeems to be a paper which has ſome reference to the original inſtitution of the London Correſponding Society, and the Counſel for the proſecution infer from this paper, thus found in the hands of Hardy, with interlineations, and ſome lines added by Mr. Tooke, that he had ſome kind of privity, intercourſe, or connection in the forming of that Society; whether the obſervation is warranted by the fact, you will judge when you hear the evidence.

[*Vide vol.* 1, *page* 160.]

Gentlemen, the next piece of evidence was a letter of the fourteenth of March, 1792, found by Maclean upon Adams, the Secretary of the Conſtitutional Society, addreſſed to him from Sheffield. The import of this letter is to inform the Secretary of the Conſtitutional Society, that they had, about four months ſince, formed themſelves into a Society, then very few in number, but that they had encreaſed, and were likely to be-

come numerous, for that not only that large and populous town, but the whole neighbourhood for many miles round had an attentive eye upon them; that moſt of the towns and villages were forming themſelves into ſimilar aſſociations, and ſtrictly adhered to the mode of copying after them; that they had taken the liberty of writing to Mr. Horne Tooke, deſcribed to be that worthy friend and patriot for the rights of the people, informing him of their earneſt deſires of entering into a connection with the Society of the ſame denomination with theirs in London; they ſay his very obliging and affectionate anſwer favours us with your addreſs; in conſequence we have taken the liberty herewith to tranſmit to you (Mr. Adams) ſome reſolves—propoſing to enter into a connection and correſpondence with this Society. Nothing more is to be found in this letter, and therefore I do not trouble you with hearing it particularly read. There is a poſtſcript, in which the writer ſays—We have taken the liberty of encloſing a parcel for Hardy, in anſwer to a letter from him to this Society, requeſting ſome information concerning our method of conducting the buſineſs, and informing them that there are in London a number of mechanics, Shoemakers, &c. forming themſelves into a Society on the broad baſis of the Rights of Man, and deſiring that the packet may remain with Mr. Adams till it ſhall be called for; it mentioned that he had given to Mr. Hardy an account of their manner of proceeding, and ſtating an improvement that they had adopted proper for great and populous towns, that is, dividing themſelves into ſmaller bodies, or meetings of ten perſons, each of theſe ten to appoint a Delegate; ten of theſe Delegates to form another meeting, and ſo on delegating from one to another, till at laſt they are reduced to a proper number for conſtituting the Committee, or Grand Council. That is the ſubſtance of that letter.

They next produce a paper found upon Adams, which is a letter from Aſhton, Secretary to the Sheffield Society, dated the fourteenth of March, 1792; that letter ſhall be read to you.

[*Vide vol. I, page 173.*]

This

This letter is proved by Mr. Woodfall to have ſome interlineations of the priſoner's hand, particularly the word "*Country*," in two places inſtead of Government, and in one place the words "*radical reform of.*" So that, according to this ſtate of the evidence, a paper which purports to be a letter from a Sheffield Society, to the Secretary of the Conſtitutional Society, is found in the poſſeſſion of that Secretary, with alterations in the hand-writing of Mr. Horne Tooke: the obſervations which are made upon that ſeem to be theſe—either that Mr. Horne Tooke muſt have had ſome intercourſe with the perſons who wrote that letter, to be in privity with them; unleſs it ſhould appear that Mr. Horne Tooke had made the alterations in the letter after it was received; now, with reſpect to that, there is no evidence offered, and therefore the inference, made on the part of the proſecution, ſo far remains unanſwered.

They read, from the books of the Conſtitutional Society, an entry of the ſixteenth of March, 1792, when Mr. Horne Tooke appears, by the entry, to have been in the chair—one Mr. Joel Barlow was made an honorary member. The reſt of that entry will be read to you.

[*Vide vol. 1, page 174.*]

I think it ſhould be obſerved that this ſeems to be the moſt correct vote that I have met with among the proceedings of theſe popular Societies. The Society at Mancheſter approve of Paine's ſecond part of the Rights of Man, and talk of carrying into practice the principles they approve of; but they confine their approbation to the ſpecific objects, reſpecting which it might be not unreaſonable to approve of Mr. Paine's work; and if that reſolution had been followed by thoſe other perſons who have adopted and printed Mr. Paine's works, it certainly would not have been ſo much a ſubject of complaint, as it is in the preſent ſtate of things. I think it a juſtice due, both to the priſoner and thoſe who paſſed that reſolution, to take notice in how guarded a way, ſeparating the good from the bad, that reſolution, reſpecting Mr. Paine's work, is expreſſed.

The next is a proceeding of the twenty-third of March, 1792,

of the Constitutional Society, when Mr. Horne Tooke was present. There is a paper referred to the book, containing the resolutions of the Sheffield Society, with Mr. Tooke's hand-writing upon it; and a resolution also, founded upon that resolution of the Sheffield Society, in Mr. Tooke's hand. They must be read.

[*Vide vol.* 1, *page* 176.]

Gentlemen, the next piece of evidence was the entry of the proceedings upon the thirtieth of March, 1792, when Mr. Horne Tooke was present. There is a rough draft of the minutes of certain resolutions, transmitted from the Secretary of the London Corresponding Society, to the Secretary of the Constitutional Society, signed Thomas Hardy, and which signature, "Thomas Hardy," Mr. Woodfall states to be, in fact, Mr. Horne Tooke's hand-writing, which shews that Mr. Horne Tooke must have had a great deal to do in forming these resolutions. That is the use that was made of that evidence, on the part of the prosecutor. You will hear these resolutions read,

[*Vide vol.* 1, *page* 178.]

The next paper that was read, was found upon Adams, and is proved to be of Mr. Horne Tooke's hand-writing, purporting to be the draft of a letter from Adams to the Sheffield Society, signifying the election of the associated members. It does not seem to me that any thing very material arises upon that.

The next piece of evidence is a resolution of the Constitutional Society, on the twentieth of April, 1792, in which they thank the Southwark Society for a communication of their declaration; it is entered, and ordered to be published. You will hear that read, it is a material paper.

[*Vide vol* 1, *page* 182.]

Gentlemen, the observation that is made, on the part of the prosecution, upon this paper, is, that it is expressed in terms

which

which are extremely exceptionable; and that though it is expreſſed in theſe terms, this Society ordered it to be publiſhed—the exceptionable terms are in the fourth and fifth reſolutions—"That equal active citizenſhip is the unalienable right of all "men, minors, criminals, and inſane perſons excepted;" and "That the exerciſe of that right, in appointing an adequate re- "preſentative Government, is the wiſeſt device of human po- "licy, and the only ſecurity of national freedom." Now, perhaps, it would be more than ought fairly to be inferred from this paper, that theſe perſons did really mean by "a repreſenta- "tive Government," to expreſs a Government by the people, independent of the Conſtitutional part of the Government, in the King and Lords; to be ſure it is expreſſed very unguardedly, and the obſervation upon it is, that a paper ſo expreſſed ought not to have been publiſhed in this manner, by a reſolution of this Society.

The next piece of evidence is the proceedings of the twenty-ſeventh of April, when Mr. Horne Tooke was preſent; and then a letter was ſent to the Society of the Friends of the People, which produced afterwards an anſwer, written by the Society of the Friends of the People, and ſigned by Lord John Ruſſel. I believe it will be neceſſary that that letter, and the anſwer, ſhould be read to you, becauſe many obſervations have been made upon them, on the part of the proſecution, and ſome on the part of the priſoner.

[*Vide vol.* I, *pages* 186 *and* 188.]

Gentlemen, I have directed this letter, and the anſwer to it, to be read to you, becauſe obſervations were made upon them at the ſame time. I will tell you what occurs to me upon the letter and anſwer. It appears to me as if it was a pert letter, and was ſo conſidered by the Society of the Friends of the People, and that they returned a peeviſh anſwer; and perhaps that may really and truly be the whole effect of that correſpondence. I obſerve that they allude in it to ſomething reſpecting Mr. Paine's plan; that they do not expect to ſee his great plans ſpeedily carried into execution. I do not obſerve that this is

mentioned

mentioned in the letter from the Society for Conſtitutional Information, but the fact ſeems to be that a ſentiment of that kind was expreſſed in a letter from the Mancheſter Society, to the Conſtitutional Society, and the Conſtitutional Society did, very improperly and very incautiouſly, publiſh a great many of theſe papers—It ſeems to me as if the Society of the Friends of the People had taken that idea from ſome newſpaper, and had quarrelled with the Conſtitutional Society upon that ground, and not improperly, becauſe theſe publications are open to a great deal of obſervation. I think this is nearly the whole that reſults from theſe two letters.

The next piece of evidence, purported to be a letter from Norwich to the Conſtitutional Society, ſigned I. Broughton; that letter was found among Adams's papers. They ſtate that they are happy to ſee the ſucceſs of the Sheffield Society, and approve the Delegations that have been made to form a plan of general information, and expreſs a wiſh that all the Societies, of a ſimilar kind in England, were only as ſo many members, ſtrongly and indiſſolubly united into one political body. That expreſſion is worthy obſervation, becauſe it is an expreſſion to be found in many of the letters, and it ſeems to have been induſtriouſly infuſed into many of theſe Societies; that the uſe that was to be made of them was to unite theſe bodies of men into one body, for the purpoſe of effecting, by the ſtrength of that union, what otherwiſe was, perhaps, not to be produced.—Whether this was meant to be effected by force, or by the general impreſſion upon the public—that a large body of men had a wiſh upon the ſubject, is another conſideration; but this notion of union ſeems to have been very induſtriouſly circulated through the Societies, and expreſſed more than once in this letter.

They go on to ſtate that their Society conſiſts of ſome hundreds, and that they had appointed Delegates; that new Societies were frequently forming, which, by Delegates, preſerved a mutual intercourſe with each other, for inſtruction and information. Then they ſpeak of Mr. Burke—that is not very material. The fourth reſolution is—"To Mr. Thomas Paine our "thanks are eſpecially due for his firſt and ſecond part of the

"Rights

" Rights of Man; and we ſincerely wiſh that he may live to ſee " his labours crowned with ſucceſs, in the general diffuſion of li- " berty and happineſs among mankind." This therefore, you ſee, is an unqualified approbation of Paine's firſt and ſecond parts of the Rights of Man. They go on then to take notice of ſome diſcovery ſuppoſed to be made, relative to the Weſtminſter election, which you need not be troubled with. They conclude—" We congratulate our brethren in the various parts " of the kingdom, on the progreſs of political knowledge; and " earneſtly entreat them to encreaſe their aſſociations, in order " to form one grand and extenſive union of all the friends of " general liberty, and we hope the time is not far diſtant when " the people of England will be equally and faithfully repre- " ſented in Parliament." The idea of forming this grand union, you ſee, is laboured, and is twice expreſſed in that ſingle paper of reſolutions. I ſhould obſerve to you, that the date of that letter was the twenty-fourth of March; there is an alteration in it in Mr. Tooke's hand-writing; that alteration, perhaps, it may be proper for you to look at; it is an alteration from the twenty-fourth ultimo, to the twenty-fourth of March. I rather ſuppoſe that alteration was made after it came into the hands of Adams, and with a view only to accommodate it to the time when it was to be entered in their book, and that it does not afford an obſervation as if Mr. Tooke had ſeen that letter, or corrected it before it was produced to the Society; that does ſeem to me to be the effect of it, and that it is not to be carried further; but if you have a mind to look at it, you will ſee how that is.

The next paper that was read was found among Adams's papers; it contains the names of perſons who were elected members from the Norwich Society. The obſervation upon it is, that the deſcriptions, added to the names of theſe perſons, are in the hand-writing of Mr. Horne Tooke. There ſeems to be ſomething elſe in the paper, and it is proper that paper ſhould be read.

[*Vide vol.* 1, *page* 194.]

The obſervation upon this letter is, that Mr. Horne Tooke has

has added to the names of the persons who were recommended to be associated members from the Norwich Society to this Constitutional Society, the description of their situations; and from thence, it is inferred, with a great deal of colour, that there must have been some private correspondence of Mr. Horne Tooke's, with Norwich, upon this subject, which should enable him to know the situation of those persons, and to be able to add these descriptions to the names; and with respect to the letter itself, it speaks of a combination which it seems desirous of increasing and promoting, which combination certainly is in itself sufficiently dangerous, and threatening, to the peace of the community at large, because, you see, it is manifestly calculated to extend itself, without end, and to combine all those persons together to whom it extends, for any object, or for any purpose; if it is good, very well, but, if it is bad, exceedingly dangerous to the community.

The next piece of evidence is the proceedings of the Constitutional Society, on the fourth of May, 1792, in which a Mr. Martin is proposed as an honorary member, and in which these two last letters were read; the resolutions upon them should now be read.

[*Vide. vol.* 1, *page* 193.]

They then read a Letter from Mr. Martin; the original Letter was produced, which, by Mr. Woodfall, is proved to have an alteration in it, in Mr. Tooke's hand-writing, instead of the words "learned men" in the letter, the words inserted by Mr. Tooke, as I understand, are, "Gentlemen so highly "approved of by the public;" it does not seem to me that I need trouble you with hearing that letter read; the effect of it is, that Mr. Horne Tooke had a communication with Martin, and that he had something to do in the correcting the letter, which Martin wrote to this Society: it does not seem to me to go further.

The next piece of evidence is the proceedings of the Society, upon the 11th of May, 1792, when Mr. Horne Tooke was present; and I believe it will be necessary, that these proceedings should be read: They respect an address which was at that time proposed to the Society in France, called the Jacobins.

[*Vide*

[*Vide vol.* 1, *page* 197.]

On this addreſs, as far as it reſpects the Jacobins at Paris, I ſhall not make any obſervation at preſent, becauſe it does not belong to the preſent enquiry. The interfering of the ſubjects of one country, with reſpect to the government of another country, may be very improper, but it does not touch the preſent queſtion: the parts which touch the preſent queſtion, and which the proſecutor lays ſtreſs upon, are theſe: they firſt ſay, "It would have "given an additional triumph to our congratulations, if the "equal rights of men (which are the foundation of your Decla-"ration of Rights) had been recognized by the Governments "around."

If this means, that they were to be received, and acted upon, within theſe Governments; it is a very exceptionable idea, becauſe thoſe equal rights could not, in that ſenſe, be recognized by the Governments around, without diſturbing thoſe Governments extremely, particularly without diſturbing the Government of the Country we live in; but, if it meant only, that other countries might have recognized them, as far as eſtabliſhed in France, ſo that the tranquillity of France might not be diſturbed, then there does not ſeem much reaſon to quarrel with it.

Another expreſſion is more exceptionable, and leads to more obſervation. They ſay, "We now behold you a nation pro-"voked into defence, and we can ſee no mode of defence equal "to that of eſtabliſhing the general freedom of Europe." If they meant by that expreſſion, that the French were to defend themſelves, by taking upon themſelves to eſtabliſh what this paper calls the general freedom of Europe; all over Europe, by force, it is a moſt dangerous idea, and extremely reprehenſible indeed: whether that be the true ſenſe of it you will judge. The other part of the paper goes to a co-operation with the Committees of Southwark, London, and Weſtminſter Societies, in the publication of the four reſolutions contained in the Declaration heretofore publiſhed by this Society. Thoſe, I apprehend, are the declarations which were tranſmitted by the Southwark

Society, approved and ordered to be publiſhed by this Society. I obſerved, upon a very unguarded expreſſion in one of thoſe declarations, inſtead of publiſhing it, prudent men ought to have ſuppreſſed it; that does certainly afford an obſervation, on the part of the proſecution.

Gentlemen, I ſhould be very glad, if, by any exertions of mine, I could hope to get through this ſumming up to-night, but, I ſee plainly, that the length of it would carry us beyond any reaſonable hour, and that I have not ſtrength to go through it. I believe, therefore, that it would be better now to adjourn: I will meet you to-morrow morning, at nine o'clock.

It being now near nine o'clock at night, the Court adjourned to nine o'clock to-morrow morning.

SESSION HOUSE IN THE OLD BAILEY.

Saturday, November the 22d.

PRESENT,

Lord Chief Juſtice EYRE;
Lord Chief Baron MACDONALD;
Mr. Baron HOTHAM;
Mr. Juſtice GROSE;
Mr. Juſtice LAWRENCE;
And others, his Majeſty's Juſtices, &c.

John Horne Tooke ſet to the bar.

LORD CHIEF JUSTICE EYRE.

Gentlemen of the Jury,

I left off laſt night with ſtating to you a proceeding of the Conſtitutional Society on the eleventh of May 1792, an addreſs to the Jacobins. The next piece of evidence was the proceeding upon the eighteenth of May 1792; this was a meeting at the Crown and Anchor, when Mr. Horne Tooke was preſent, and it was upon this day that they met for the firſt time at the Crown and Anchor, they had before held their meetings at the houſe of the Secretary. The addreſs that had been before propoſed was read, and ordered to be publiſhed, and there was a letter from Mr. Paine reſpecting a cheap edition of his firſt and ſecond parts of the Rights of Man. The proceedings at this meeting will be read to you.

[*Vide vol.* I. *page* 200.]

Maclean then identified a paper found at Adams's, which appears to be the minutes of theſe reſolutions, and it is proved by the evidence of Mr. Woodfall, that there are corrections in the hand-writing of Mr. Tooke. Under the head of expences of the Society,

Society, there are charges for printing in the newſpapers theſe reſolutions, and alſo the reſolution reſpecting the addreſs to the Jacobins.

On the twenty-fifth of May there was another meeting at the Crown and Anchor, when Mr. Horne Tooke was preſent, and it appears that at that meeting ſix thouſand copies of the bills, as they are called, which had been directed at the laſt meeting, were ordered to be printed. There is a direction for the diſtribution of them amongſt the different Societies with whom this Society correſponded; it appeared by the account-book that twelve guineas were charged for printing this letter of Mr. Paine's, and the addreſs to the Jacobins; there are charges for the conveyance by the coaches of theſe prints to Norwich, Glaſgow, and other places, and alſo for inſerting them in the newſpapers.

Upon the firſt of June, 1792, there was another meeting, when Mr. Horne Tooke was preſent. The Secretary reported that he had ſent the different copies of the bills that were ordered by the laſt meeting to be printed according to the directions that he had received; they amount to a pretty large number, and then there are three thouſand more ordered to be printed, and to be diſtributed to particular places. There was a letter from the Correſponding Society, of the thirty-firſt of May, read, which was ordered to be publiſhed in ſuch of the newſpapers as would receive the advertiſements of the Society, and there is a charge for that publication. I do not believe that any thing particular ariſes upon that letter, if any of the counſel will tell me that there does, it ſhall be read, otherwiſe I think that may be paſſed over. There are charges alſo in the account-book for tranſmitting to Norwich and other places a paper with ſome of the King's proclamations, which were iſſued about that time.

Upon the eighth of June 1792, there was a meeting of this Society, when an open Committee was appointed, who were to meet, and to take into conſideration Mr. Paine's letter, with power to tranſmit copies of that letter to the different Societies with whom they correſponded. Six thouſand copies of the reſolutions relative to the proclamation were ordered to be printed,

and

and ſent to the different Correſponding Societies.

The proceedings on the twenty-fifth of May were not read in the place in which they ſhould have been read, becauſe the reſolutions which make the ſubject of ſome of theſe meetings that I have been now ſtating to you, were then come to; theſe reſolutions muſt be read.

[*Vide vol.* I. *page* 208.]

Gentlemen, the next evidence was the proceedings of a meeting on the fifteenth of June 1792, when Mr. Tooke was in the chair. The original minutes of the reſolution of that meeting were found upon Adams, and proved by Mr. Woodfall to be in Mr. Horne Tooke's hand-writing. The principal reſolution reſpects the publication of twelve thouſand copies of Paine's letter to Mr. Dundas, which are directed to be tranſmitted to the different Societies. You will hear theſe minutes read.

[*Vide vol.* I. *page* 211.]

Mr. Adams was then called, in order to ſubſtantiate the book of expenditure which he had, and he alſo ſubſtantiated ſome other proceedings that had been read in his abſence from the general book of the Society, to which he had not been before examined.

The next piece of evidence was the proceedings at a meeting of the Conſtitutional Society upon the twenty-ſecond of June 1792, when there were directions that a ſubſcription, opened for Mr. Paine, who was under proſecution, was to be received by Mr. Bonney, his ſolicitor; and there is a report of an eſtimate of the expence of printing the twelve thouſand copies of Mr. Paine's letter to Mr. Dundas, which had been ordered at the laſt meeting; that eſtimate amounted to twenty-five pounds, that was agreed to, and then there was a direction that the Committee were to meet to conſider how theſe twelve thouſand copies were to be circulated. They call Mr. Chapman and Mr. Jordan in order to prove thoſe works that had been thus ordered to be printed. Chapman ſaid he printed a part of the ſecond

part of the Rights of Man, up to folio 128, and then broke off Jordan ſaid, that Mr. White, the Solicitor for the Treaſury, came to him; but he could not take upon himſelf to recollect whether he had given Mr. White the copy of this work which was now produced; he ſaid he had certainly written his name upon it, but he did not think that this particular copy produced, was publiſhed by him; however, upon further preſſing him, it appeared that, in truth, he had had that copy which he ſuppoſed to be delivered by him to Mr. White, from one Mr. Huntley; the memorandum he had made upon it was, that it had been bought of Mr. Johnſon, through Mr. Huntley; he ſaid, he ſuppoſed that as his name was to this work, as the publiſher, Mr. Johnſon would not have ſold a book with his name to it; that he had publiſhed copies of the ſame work for Mr. Paine; and had an account with Mr. Paine.

He ſaid, that after the ſuit was inſtituted againſt him, on account of this publication, he went to Mr. Horne Tooke, according to a letter he had received from Mr. Paine, expecting to meet Mr. Paine there; and he did accordingly meet him; that Mr. Tooke alſo was there; and Mr. Tooke entered into a diſpute with him about his being timid, and doubtful of leaving the action, as he called it, in the care of Mr. Bonney; that Mr. Bonney was preſent; and that Mr. King, as Jordan's attorney, was alſo preſent; he was fearful, and did not chooſe to go without him. Mr. Horne Tooke ſaid, Mr. Paine had employed Bonney; and that the witneſs might leave the buſineſs entirely to him, and go quietly home. He was then ſhewn another copy, which he ſaid did ſeem to him to be one of the ſame copies that he publiſhed. Upon this evidence the book was thought to be ſufficiently eſtabliſhed in evidence; and it was accordingly delivered in at the table; and parts of it were read; and thoſe parts muſt know be read again.

[*Vide vol.* 1. *page* 221.]

Mr. Horne Tooke deſired that the preface might be read.

Mr. Tooke. I do not deſire it now.

Lord Chief Juſtice Eyre. The object of reading the preface,

as I take it, was to ſhew that it was written in conſequence of Mr. Burke having made ſome publication, which provoked Mr. Paine to give this anſwer.

The obſervations upon this paper, and upon the reſolutions of this Society, on the part of the proſecution, are, that this work of Mr. Paine's, being a direct attack upon the Monarchy of England, and upon the Conſtitution of the Government of England, in a King, Lords, and Commons; and he being under proſecution for publiſhing this work, this Society take upon themſelves to ſubſcribe for his defence; and to come to reſolutions, that it was fit for them to do ſo; and to come to a particular reſolution, which goes a good way towards expreſſing an approbation of the doctrine. The reſolution that I allude to is, "Reſolved, That the right of inveſtigating principles and ſyſtems of "Government, is one of thoſe rights; and that the works of any "author, which cannot be refuted by reaſon, cannot, on princi-"ples of good government, and common ſenſe, be made the "ſubject of a proſecution;" whether that is the fair import of that reſolution, or no, is for your judgement; that is the way in which it is put to you, on the part of the proſecution.

Gentlemen, the next piece of evidence is the proceedings of this Society, upon the twenty-ninth of June, 1792, when Mr. Horne Tooke was preſent. There was then a plan reported for the diſtribution of the ſix thouſand copies, which had been ordered of the reſolutions relative to the proclamation. I think they were thoſe ſix thouſand copies, and they ſtate a diſtribution that amounts, I believe, to the full number I calculated it to, four thouſand ſeven hundred and fifty; and there were ſome others afterwards. At a meeting, on the ſixth of July, 1792, Mr. Horne Tooke was preſent. The Correſponding Society return their thanks for two hundred copies that had been ſent to them, under the former order.

Mr. Maclean then produced a letter found upon Adams, from the London Correſponding Society to this Society, in which he ſpeaks of having received two hundred copies of the proclamation, as it is called—two hundred copies of Paine's letter—that is the letter upon the ſubject of his cheap edition of the

Rights of Man, and being profecuted—and two hundred copies of his letter to Mr. Dundas; and they promiſed, that having received ſix hundred copies, they will take care that they ſhall be ſo communicated, that ſix thouſand people, at leaſt, ſhould have an opportunity of reading them. At this meeting thanks were returned by the London Correſponding Society, to the Conſtitutional Society, for agreeing to admit ſix of their members, as honorary members of the Conſtitutional Society, and their names were forwarded to the Conſtitutional Society. Hardy and Margarot were two of thoſe ſix perſons. There was a reſolution that thoſe perſons ſhould be ballotted for at the next meeting.

Mr. Lauzun produced a paper found at the houſe of Hardy, which purports to be this letter to Mr. Dundas; and upon the title page it is ſaid to be "printed and diſtributed gratis by the "Society for Conſtitutional Information." There were paſſages read from that letter, and they will be now read to you.

[*Vide, vol.* I. *page* 224.]

Gentlemen, They then read the proceedings at a meeting of the Conſtitutional Society, on the thirteenth of July, 1792, when Mr. Tooke was preſent. I find nothing reſpecting that meeting, but that they ballotted for ſix members of the Correſponding Society, and that they were unanimouſly elected.

Thornton then produced a paper, found at Mr. Horne Tooke's houſe, purporting to be a letter from Thomas Hardy, dated the twenty-fourth of July, 1792, ſpeaking of the progreſs which the Society had made, and that they were now got as far as the eleventh and twelfth diviſion. I am not aware that any thing very particular ariſes upon that piece of evidence.

Thompſon then produced a paper found in Mr. Horne Tooke's houſe, dated the eighth of Auguſt, 1792, purporting to be a letter from Thomas Hardy to Mr. Tooke, in which he ſends him a proof copy of the Addreſs of the London Correſponding Society; that is, I ſuppoſe, the addreſs of the ſixth of Auguſt: he aſks Mr. Tooke's opinion upon it, before it was publiſhed, and alſo aſks, whether it was proper that a copy of it ſhould be ſent to the Secretary of the Conſtitutional Society, next week,

as that Society were not to meet till the laſt Friday in September.

This witneſs was aſked, by Mr. Tooke, ſeveral queſtions about the manner of finding theſe papers; the account he gave was, that he and another perſon ſearched for the papers: that there was a Mr. Ford preſent to ſuperintend the ſearch and the examination; and that a Mr. Froſt and a Mr. Vaughan, who were friends of Mr. Tooke, were alſo preſent; and he believes that there were liſts taken by the friends of Mr. Tooke, of all the papers that were taken upon that examination.

Thornton then produced another letter, found at Mr. Tooke's houſe, dated the fifteenth of September, 1792, which purports to be addreſſed to Mr. Horne Tooke, and to be written to him by Mr. Margarot; it is in theſe words, "M. Margarot wiſhes "to ſubmit to Mr. Horne Tooke's conſideration, whether a "plan might not be adopted for obtaining the aſſent of all the "different Societies throughout the Nation, to an united and "ſafe declaration, aſſuring the French, that we entertain the "moſt friendly diſpoſitions towards them; and that we will, to the "utmoſt of our power, diſcountenance all hoſtile attempts on the "part of Miniſtry, ſhould the latter be baſe enough to forfeit the "nation's pledged faith of neutrality. M. M. conceives ſuch a "meaſure will prove more uſeful than a partial, and, perhaps, "comparatively ſpeaking, inconſiderable ſubſcription, which, "however, would be no ways impeded thereby. A ſimilar de-"claration would certainly quiet their jealouſies, with regard to "the Engliſh, and would encourage them in their arduous "ſtruggle, while numbers of well wiſhers to their cauſe, who "might come forward here with only their ſignatures to the decla-"ration, would give a moſt ſevere check to all open, or even un-"derhanded miniſterial attempts."

Thornton then produced another paper, dated the ſixteenth of September, 1792, purporting to be a letter from Hardy to Mr. Horne Tooke, in which he ſays, "Mr. Margarot would be "glad to know your opinion of the propoſition he has ſubmitted "to your judgment. I think, with him, it would have a good "effect; at the ſame time, the ſubſcription to go on as it now

" does, ten or twenty thouſand ſignatures would have more " weight than as many thouſand pounds, for ten men might ſub- " ſcribe that ſum."

Then they read the proceedings of the twenty-eighth of September, Mr. Horne Tooke being preſent, when a letter was received from the Secretary to the London Correſponding Society, propoſing this meaſure of an addreſs; and there is an expreſſion in it which exactly correſponds with Mr. Margarot's letter, which ſpeaks of the Miniſtry doing any thing in violation of the nation's pledged faith, and propoſes the meaſure as tending to check hoſtile meaſures; that letter of Mr. Hardy's to the Secretary of the Conſtitutional Society muſt be read.

[*Vide, vol.* 1, *page* 245.]

They then read the proceedings of the fifth of October, 1792, when the letter from the London Correſponding Society, and the reſolutions, were ordered to be publiſhed.

Lauzun then produced a paper, found at Hardy's, dated the third of October; it purports to be a letter from Adams to Hardy, notifying that reſolution: he alſo produced another paper of the ſixth of Auguſt, 1792; that ſhould have been read in its proper place, immediately after the reſolution of the eighth of Auguſt, which was before read. It purports to be an addreſs from the London Correſponding Society to the people of England; it is pretty long; the paſſages that were relied upon will be read.

[*Vide vol.* 1, *page* 246.]

Gentlemen, this paper has been read to you; and I hope you have attended to it particularly; becauſe great ſtreſs was laid upon it, on the part of the proſecution, as if we might diſcern in that paper the firſt traces of this idea of a National Convention, which ſhould uſurp the Government of the Country. I diſcover in it ſomething very inflammatory, licentious, and libellous upon all the orders in the State, and upon every perſon who has any thing to do with the Executive Government; but I cannot ſay myſelf, that I do diſcover any diſtinct traces of a National

onal Convention; the contrary idea is held out in the terms of it; and it does ſeem to me as if, taking the whole context together, it would be difficult to collect more from it, than that, in very eager, animated, and exceptionable language, they proclaim to the world, that grievances exiſt; and that they are determined to procure a reform of thoſe grievances, by procuring a better repreſentation of the people in Parliament; and that better repreſentation of the people in Parliament, in fair interpretation, would be in the Commons Houſe of Parliament; and in that view of it, however exceptionable it may be, and very exceptionable it is in its language, ſtill that diſtinct idea could hardly be collected from it. You will judge, and you are the proper judges, whether there can fairly be collected from that letter more than I have ſtated to you: it is important you ſhould attend to it, becauſe ſtreſs was laid upon it; and the true conſtruction of it may be that which is inſiſted upon, on the part of the proſecution; but of that you will judge.

The next piece of evidence that was read was the proceedings of the twelfth of October, 1792, of the Conſtitutional Society, when Mr. Horne Tooke was preſent. At this meeting there was a letter read from the London Correſponding Society, with an addreſs incloſed to the National Convention of France, and they deſire the advice of the Conſtitutional Society, as to the manner of conveying and preſenting that addreſs.

Maclean then produced the original letter, and the addreſs of the Society, to the National Convention of France. The Conſtitutional Society reſolve to thank them for the communication, and they approve of the ſpirit of the addreſs; that addreſs is a very important piece of evidence; you will hear it read.

[*Vide vol.* 1, *page* 246.]

Gentlemen, the whole of this paper deſerves very attentive conſideration indeed; for you here find an appeal to a foreign country, and thoſe who make the addreſs take upon themſelves to conſider the intereſts of our Country as intimately blended with the intereſts of that Country, in the ſtate in which that Country was at that time, which leads to very ſerious obſervations.—

It ſpeaks of the lawful controls in this Country as oppreſſive and burthenſome to the people of this Country. It ſpeaks of Frenchmen becoming free, and of Britons preparing to become ſo. It ſpeaks of the Ariſtocracy of the Country with a pretty plain alluſion to one of the orders of the State, in theſe terms—"Seeking our real enemies, we find them in our boſoms—we "feel ourſelves inwardly torn by, and ever the victims of, a "reſtleſs and all-conſuming Ariſtocracy." It aſſerts, that an Ariſtocracy is the bane of every nation under the ſun; and it declares that France has done wiſely in expelling an Ariſtocracy. It alludes more guardedly to the King, but there is an alluſion, and a dangerous one—"The King of Great Britain "will do well to remember that this Country is not Hanover; "ſhould he forget this diſtinction, we will not." It ſpeaks of the event of the ſucceſs of the French conteſt in very extraordinary terms—"If you ſucceed, as we ardently wiſh, the triple "alliance (not of Crowns) but of the people of America, "France, and Britain will give freedom to Europe, and peace "to the whole world;" which is going a good way towards ſaying, that the effect of the ſucceſs of the conteſt in France will be to produce an alliance of the nations of France and England, independent of a Crown, and without a Crown. How far theſe obſervations are juſt in themſelves, and how far they lead to open the views of thoſe who preſented this Addreſs, is matter of general obſervation, for your conſideration upon the whole of the evidence taken together; but I thought it neceſſary to point out to you the particular paſſages, which muſt certainly ſtrike one upon reading that paper. I ſhall have occaſion hereafter to obſerve a little more particularly upon it.

They then read the proceeding of the nineteenth of October, when Mr. Horne Tooke was in the chair; there was a Committee appointed to confer with the Delegates of the London Correſponding Society, on the Addreſs which that Society had preſented to the National Convention of France.

Upon the twenty-ſixth of October, Mr. Horne Tooke being preſent, the report of the Committee appointed at the laſt meeting was recommitted; and it was reſolved, that at the next

meeting

meeting they would conſider of an anſwer to the London Correſponding Society, upon the ſubject of their letter, and that they would alſo conſider of an Addreſs to the National Convention of France.

Upon the ſecond of November, 1792, at a meeting of the Conſtitutional Society, Mr. Tooke being preſent, a Committee was appointed to prepare an Addreſs, but Mr. Tooke was not of that Committee.

Upon the ninth of November, 1792, Mr. Tooke being preſent, the Addreſs was produced, and was read; Mr. Barlow and Mr. Froſt being preſent, were deſired to preſent this Addreſs, and were thanked for having accepted this truſt. The proceedings were ſigned by the Chairman, Lord Sempill. That Addreſs muſt be read.

[*Vide vol.* 1, *page* 247.]

Gentlemen, this paper was alſo very much relied upon, but I do not think it ſo eaſy to point out the particular paſſages from whence ſtrong obſervations will ariſe. They ſpeak of the glorious tenth of Auguſt:—as to the tenth of Auguſt, and what appellation it deſerved, as applied to the affairs of France, we have nothing to do with; and there is no direct application of it to any conſequences that were to follow here. There is a good deal of acrimony expreſſed as to the ſtate of this Country; but a great deal of obſervation, with reſpect to the effect that the Revolution of France was to have upon this Country, hardly ariſes upon that expreſſion of acrimony. The concluding part is the moſt material, and has the moſt direct reference to ſuch an effect; it is in theſe words—"The luſtre of the American "Republic, like an effulgent morning, aroſe with encreaſing "vigour, but ſtill too diſtant to enlighten our hemiſphere, till "the ſplendour of the French Revolution burſt forth upon the "nations in the full fervour of a meridian ſun, and diſplayed, in "the midſt of the European world, the practical reſult of prin-"ciples which philoſophy had ſought in the ſhade of ſpeculation, "and which experience muſt every where confirm." This is, certainly, a general approbation of the practical reſult of principles

ciples

ciples which had produced a Revolution in France, and which this Addreſs ſuppoſes that experience would confirm every where as well as in France. It ſpeaks of diſpelling the clouds of prejudice from all people, revealing the ſecrets of all deſpotiſm, and creating a new character in man. Theſe are expreſſions certainly large enough to comprehend their own Country as well as every other Country in the neighbourhood of France. It goes on to ſay—" In this career of improvement, your ex-" ample will be ſoon followed,"—Followed by whom?—" for " nations, riſing from their lethargy, will reclaim the rights of " man with a voice which man cannot reſiſt." That, you ſee, is general—going to all nations: and if it has any reference to this Nation among others, to be ſure it is a paper that deſerves very ſerious attention, conſidered as a declaration of principles upon which the fate of this Country might turn, as well as the fate of France.

Gentlemen, the next piece of evidence is a paper found upon Adams, dated Paris, the twenty-ninth of November, 1792; it is a letter from Joel Barlow and John Froſt to the Conſtitutional Society, informing them of what had paſſed upon the preſenting of thoſe Addreſſes; that paper will be read, and the two papers contained in it; and one of them will certainly be extremely material for your conſideration.

[*Vide vol.* 1, *page* 247.]

Gentlemen, on the part of the proſecution, they conſider the language in which this Addreſs was preſented to the National Convention of France, and the Preſident's anſwer, as an expoſition of the Addreſs itſelf, and as a comment upon it; and as pointing out what was meant to be expreſſed by it. Whether they are right in ſo ſtating it, is for your judgment; but they have fair ground ſo to ſtate it. With regard to the expreſſions of the Preſident of the National Convention, I do not myſelf think that much prejudice ought to ariſe to thoſe who preſented this Addreſs, from the language he thought fit to hold; becauſe the policy of a nation, wiſhing to receive ſuch Addreſſes as theſe were, might dictate to them a language which went be-

yond

yond the ſentiments expreſſed in the Addreſs; and it could hardly be fairly attributed to thoſe who preſented the Addreſs, or who framed it; but the language of the perſon who preſented the Addreſs is quite of another nature, and has a much cloſer application to the ſentiments conveyed in the Addreſs itſelf. With reſpect to that language, without making a particular obſervation, I will only reſtate the words which are the moſt material.—

" After the example which France has given, the ſcience of " Revolutions will be rendered eaſy, and the progreſs of reaſon " will be rapid: it would not be ſtrange if, in a period far ſhort " of what we ſhall venture to predict, Addreſſes of felicitation " ſhould croſs the ſeas to a National Convention in England." Now, I think it may be fairly obſerved upon this language, that the National Convention, which the author of that ſentiment referred to, could not poſſibly mean a Convention of Delegates, for the purpoſe of reforming that branch of the Conſtitution, the Commons Houſe of Parliament; and I ſhall, at preſent, make no other comment upon it.

Gentlemen, the next piece of evidence is a paper found at Mr. Horne Tooke's houſe, which was produced by Mr. Thornton; it is in French, and there is a tranſlation of it; it is a letter to the Preſident of the French Convention, without a date, making an offer of four thouſand livres, to be applied to the war. And there is a particular expreſſion in that letter which may be factious, but does not ſeem to point directly to the object of the preſent enquiry—it is, that this is to be applied to enable them to carry on the war againſt all deſpots, even if the deſpots ſhould be of the Country of Mr. Horne Tooke, who ſent the letter. I am not aware that there is any thing more in that letter material, if there is, it may be read.

They then produce the draft of a letter to Petion, which is proved alſo to be of Mr. Horne Tooke's hand-writing, and to have been found in his houſe: the anſwer to that letter is likewiſe produced. The letter reſpects ſupplies that were to be ſent for the uſe of the French Army, and in what manner they might be moſt ſafely conveyed. There is one expreſſion upon which

which obſervations ariſe, and it did not ſtrike me at the time that there were more than one; if there is any more, if pointed out, the letter may be read; it is, where it ſpeaks of being of uſe to the common cauſe of England and of France. It is rather difficult to underſtand how England and France, in the ſituation in which France then was, ſhould have had a common cauſe.

The next piece of evidence is the proceedings of the Conſtitutional Society upon the fourteenth of December, 1792, when Mr. Horne Tooke was in the chair. A letter was received from the Friends of Liberty and Equality at Laôn; that letter is produced, being found upon Adams. There was alſo a letter upon the twenty-firſt of December from another place in France, Macon; and upon that occaſion Mr. Horne Tooke and ſome others were appointed a Committee for Foreign Correſpondence, and theſe letters were referred to them; and they were ordered to keep a ſeparate book of their correſpondence.—That letter is alſo produced. If it is thought material, theſe letters may be read; but it does not appear to me that there were any anſwers ſent to them; and it does not ſtrike me that any very material obſervations ariſe upon them. Mr. Attorney General, would you wiſh to have them read?

Mr. Solicitor General. Mr. Attorney General is not in Court—it is his wiſh to ſubmit entirely to your Lordſhip's diſcretion.

Lord Chief Juſtice Eyre. The next piece of evidence was the proceedings of the Conſtitutional Society upon the fifth of October, 1792—Mr. Horne Tooke preſent, when a letter from Joel Barlow was read, ſpeaking of a letter which he had written to the Convention on the ſubject of the then Conſtitution of France; he preſents a copy of that letter to the Conſtitutional Society; and there are ſome expreſſions in his letter which may deſerve conſideration, and therefore it ſhall be read.

[*Vide vol.* 1, *page* 250.]

Mr. Johnſon, the bookſeller, proved that the printed copy of Joel Barlow's letter to the National Convention of France

was

was printed by him; he produced a copy, and the letter was read.

[*Vide vol.* 1, *page* 251.]

Upon the twelfth of October, 1792, at a meeting of the Conſtitutional Society, Mr. Horne Tooke being preſent, Mr. Barlow's letter was read; and it was reſolved—"That Mr. "Sturch be requeſted to draw up an anſwer to the letter of "Mr. Barlow read at the laſt meeting, expreſſing how much "pride this Society feel at having elected him an honorary "member."

Upon the nineteenth of October, 1792, at a meeting of the Society, Mr. Horne Tooke being in the chair, an anſwer to Joel Barlow's letter was read, and approved of, and the anſwer was entered.—That anſwer will be read.

[*Vide vol.* 1, *page* 251.]

Gentlemen, this cloſes the Correſpondence between Mr. Barlow and the London Conſtitutional Society, and it will be proper juſt to point out to you what uſe is made of it on the part of the proſecution. Joel Barlow writes a letter to the National Convention of France, upon the ſubject of their having retained in the Conſtitution that they had ſettled, the Kingly office; he is, in opinion, averſe to that, and endeavours to convince them that the Kingly office ought not to be retained in their Conſtitution. He tranſmits this letter to the London Conſtitutional Society, and points it out to them as that which, though not ſo immediately reducible to practice in England as in France, yet would not be foreign to the objects of that Society. It goes on to ſtate, that great Revolutions are to be expected; and, therefore, as far as the ſentiments of Barlow, from that letter and that book, are to be collected, certainly it is to be collected that Barlow thought that his letter would have an application in this Country, with a view to a Revolution to be expected here. It is undoubtedly true, that Mr. Barlow's ſentiments are not to be imputable to any body here, merely from the circumſtance of his having thought fit to communicate them; and,

and, therefore, in order to diſcover the true bearing of the evidence, you muſt ſee how Barlow's letter is received, and what concluſions ariſe from the manner in which Barlow's letter is received.

Upon the receipt of this letter in the Conſtitutional Society, they immediately ſtate the pride they have in recollecting that he was an honorary member of the Society (for he had been admitted an honorary member before he tranſmitted that letter), and then they vote a formal anſwer to Mr. Joel Barlow. And the language of that anſwer, certainly, deſerves ſome notice, and does afford ſome obſervation; for the anſwer, after thanking him very warmly for the work, and approving of its ſpirit and of its tendency (you ſee it goes beyond the immediate application of it to the affairs of France)—" It is with reaſon that you " think the ſubject of your book not foreign to the great object " of the Society, which has invariably been to lead their coun- " trymen to think for themſelves on the momentous ſubject of " Government, and thus to produce an univerſal and practical " conviction of one great truth, that without a real repreſenta- " tion of the people, frequently renewed, there can be no ef- " fectual check to that ſyſtem of corruption by which the public " treaſure is ſquandered—no ſecurity for that portion of liberty " which we ſhould enjoy—nor any rational hope that the Go- " vernment will be conducted with a view to its only proper " object, the happineſs of the many, and not the intereſt of the " few."

Now the queſtion is, whether the obſervation which is made upon this paſſage is a juſt one; when they acknowledge that Mr. Barlow's letter, recommending the taking Monarchy out of the Conſtitution of France, had a material connection with their object, and afterwards explained that object to be that they deſire that the ſubjects ſhould think for themſelves on the momentous ſubject of Government " thus to produce an uni- " verſal practical conviction of one great truth, that without " a real repreſentation of the people, frequently renewed, there " can be no effectual check to that ſyſtem of corruption," and ſo on. It is put to you to conſider, whether this approbation

leads

leads to that concluſion; unleſs you underſtand that concluſion to mean a real repreſentation of the people, without a Monarchy. You ſee the queſtion is, whether the conſtruction that is put upon that letter in that way is juſtly put or no; or whether the whole reſult of this correſpondence means no more than that they thanked him for a book in which the ſubject of Government is largely diſcuſſed, with a view to the ſingle purpoſe of impreſſing upon the minds of the people the neceſſity of a Reform in the repreſentation in the Commons Houſe of Parliament. There are in the account books ſome charges for publiſhing this letter of Mr. Barlow, and the thanks of this Society.

Maclean then produced a paper, found upon Adams, which is a letter to Adams from Sheffield, dated the fifteenth of October, 1792, ſigned—"The Editors of the Patriot." It is a very long letter. It complains of no anſwer having been ſent, when they applied to the Conſtitutional Society before; and it goes into a very long detail of the moſt proper methods of what they call enlightening the minds of the people. It propoſes that reaſon ſhould be the Generaliſſimo, but that reaſon ſhould be ſeconded by a proper art; and this proper art is explained to be, —finding proper perſons in towns, who ſhould go round into the villages, and ſhould there inſtil into the minds of the people thoſe principles which it was fit ſhould be inculcated upon them. And there is a long detail of the methods by which an ignorant farmer might be influenced—by which a tradeſman might be influenced—by which any countryman might be influenced, and might have his mind enlightened. I do not think myſelf that it is quite neceſſary to do more than to ſtate ſo much of the letter, and to remark upon it that, undoubtedly, this ſort of induſtry muſt have a very conſiderable effect upon the minds of the people, and muſt be extremely capable of doing either a great deal of good or a great deal of harm, according to the ſubject matter of the inſtructions which thoſe perſons were to have inſtilled into them, in ſuch a courſe as is pointed out by this Editor of the Patriot.

Gentlemen, upon the ninth of November, 1792, at a meeting of the Conſtitutional Society, Mr. Horne Tooke being preſent,

preſent, a letter by way of anſwer to this Editor of the Patriot was agreed upon; this letter was produced by Maclean, who ſaid he found it at Adams's, and it is proved by Mr. Woodfall to have ſome words in it interlined in Mr. Horne Tooke's hand. There are paſſages in it which it will be neceſſary ſhould be read, one in particular, on which a great deal of obſervation has ariſen.

[*Vide vol.* 1, *page* 256.]

Gentlemen, that which you are deſired, on the part of the proſecution, to attend to in this letter, is that extraordinary paſſage—"Freedom, though an infant, makes Herculean efforts, "and the vipers Monarchy and Ariſtocracy are panting and "writhing under its graſp. May ſucceſs, peace, and happineſs "attend its efforts." The words need no comment, but the date may perhaps be fit for you to attend to. This comes from the Conſtitutional Society, and it is a letter with which Mr. Horne Tooke is proved to have had a particular connection, having interlined parts of it, written upon the ninth of November, very ſoon after that tranſaction with the National Convention of France; it is at this period that Monarchy and Ariſtocracy are treated of in this Country (for it is in a letter to a ſubject of this Country, upon matters reſpecting this Country) as vipers writhing and panting under the Herculean efforts of freedom.

Gentlemen, the next paper was produced by Lauzun, which, he ſays, he found upon Hardy; it is a letter from Stockport, received upon the twenty-ſeventh of September, and anſwered upon the eleventh of October. That letter and the anſwer I believe it will be neceſſary to read to you.

[*Vide vol.* 1, *pages* 256 *and* 257.]

Gentlemen, it has an inconvenient effect with reſpect to the obſervations that are to be made upon this evidence as we go along, that you have it not laid before you exactly in chronological order. You ſee this is a correſpondence in the month of October, and, in truth, before the addreſſes to the National Con-

Convention to France had been reſolved upon. The anſwer alludes to the addreſſes as a thing intended, and that had not then actually taken place; if the papers had been read in the order in which the tranſactions paſſed, we ſhould be able to underſtand it better. It is obſerved that this is a letter from the Society at Stockport, very far indeed advanced in Republican principles, from the plain tenor of their letter; calling upon this Society to know what it was that they really intended, and whether they meant to go on, and ſuggeſting pretty ſtrongly that they could not go on with a Houſe of Lords, or with the Biſhops, deſiring to know what it was they intended to do, and, as it ſeems to me, for the firſt time diſtinctly propoſing this idea of a Convention in England, that the evil was to be done away at once by the people aſſembled in Convention.

This Society, thus called upon, had various opportunities of explaining their conduct, in a way that could not poſſibly be miſunderſtood; that every body might know what it was that they really aimed at. You obſerve that the letter in anſwer (after general civilities) proceeds as follows—"With regard "to our publications, our ſentiments are expreſſed in as ſtrong "terms as prudence will permit, yet plain enough, we imagine, "to convince the public that while we expect every thing from "an honeſt and an Annual Parliament; nothing ſhort of ſuch "a Senate, choſen by the whole nation, will ſatisfy us."

As far as prudence will permit,—why did not prudence permit them to ſpeak out more explicitly, if they meant fairly and honeſtly to the Country. They ſay they ſpeak plain enough to convince the public, that whilſt they expect every thing from an honeſt and an Annual Parliament, nothing ſhort of ſuch a Senate, choſen by the whole nation, will ſatisfy them.

I have profeſſed myſelf, during the whole courſe of this enquiry, very unwilling to hold people to mere expreſſions. If one was to put a ſtrict conſtruction upon this expreſſion, it amounts to this, that nothing will ſatisfy them but a Senate choſen by the whole nation—a Senate choſen by the whole nation includes the whole Parliament, and yet poſſibly that might not be the intention; if it was not the intention, it was very,

unguardedly expreſſed. Then they notify their intention to make this addreſs to the National Convention, and then there are theſe extraordinary words—" Without entering into the " probable effects of ſuch a meaſure, effects which your So- " ciety will not fail to diſcover, we invite you to join us, and to " that end herewith you have a copy of our intended addreſs." What could be the effects of that meaſure which that Society was to diſcover reſpecting an application in any courſe that could be imagined to the Commons Houſe of Parliament—what effect could an application to the National Convention in France have upon ſuch a meaſure; if you are to underſtand that this is not what they meant, but that they meant to eſtabliſh what was before expreſſed, a full and entire Senate, choſen by the people, then the effect of an addreſs to the National Convention of France, might be a thing of conſiderable conſequence, and might be that effect which thoſe perſons, with the ſentiments which they entertained, might diſcover. Theſe are obſervations that do certainly ariſe upon this letter, and upon the anſwer to it.—

Gentlemen, theſe two letters having been read, they next read a letter from Norwich, of the eleventh of November, 1792, and the draft of an anſwer to that letter, dated upon the twenty-ſixth, and referring to that letter of the eleventh. I believe it will be neceſſary that this letter, and the anſwer, ſhould be read.

[*Vide vol.* 1, *page* 257.]

Gentlemen, I think the material obſervation that ariſes upon theſe two letters is, when this extraordinary queſtion was directly propoſed, that no direct anſwer was returned; one ſhould have imagined that men who were really and truly attached to the Monarchy of the Country—attached to the Conſtitution of the Country, in King, Lords and Commons, and had nothing but a Reform in the Commons Houſe of Parliament to wiſh for, and to aim at, would have found no difficulty, whether they knew this Society, or did not know them, in proclaiming to them, and to the world, a direct negative upon that queſtion, when

when aſked whether they meant to rip up Monarchy by the roots, and place Democracy in its ſtead. How to account for that is difficult, but it is for your conſideration. Here I think they cloſed the evidence of 1792, as far as reſpects the proceedings of the Conſtitutional Society.

Upon the eighteenth of January, 1793, Mr. Tooke being preſent, a perſon by the deſcription of Citizen St. André was admitted an honorary member, and deſcribed as one of the moſt judicious and enlightened friends of human liberty; and that reſolution has an interlineation in Mr. Horne Tooke's hand-writing.

On the twenty-fifth of January there was a meeting, at which Mr. Horne Tooke was preſent, when two other perſons, by the deſcription of Citizen Barrere and Citizen Roland, alſo deſcribed in the ſame manner, each of them as one of the moſt judicious and enlightened friends of human liberty, were admitted honorary members, and this admiſſion is ordered to be proclaimed to the world by publication.

Upon the firſt of February, 1793, Mr. Horne Tooke being preſent, certain ſpeeches which had been made by two of thoſe perſons, St. André and Barrere, as given in the Gazette Nationale, or the Moniteur of Paris, on the fourth, ſixth, and ſeventh of January, 1793, are ordered to be inſerted in the books of the Society; and that reſolution is ordered to be publiſhed.

It appears from the whole of the context, that thoſe perſons who were thus admitted honorary members of the Society, were members of the National Convention in France; and that the ſpeeches referred to were made in the courſe of the trial of the King of France; and as curious things they would be intereſting to every body, and might find a place in every man's library; but what could be the motive for pointing theſe out to the public in this manner, by ordering the reſolution to be publiſhed, which directs the public attention to the ſpeeches made upon thoſe days by thoſe perſons, and where they were to be found is a ſubject of obſervation, when you come to ſee what thoſe ſpeeches are. They were made by thoſe who were

for dealing ſeverely with the King of France in the courſe of that trial; and one of the ſpeeches goes to deſtroy the idea of the inviolability of Kings, the other to give an explanation of a National Convention, as a thing inherent in the Conſtitution of that Country, and of every County, which undoubtedly is calculated to reconcile men's minds who might be unwilling to violate the Conſtitution of their Country, and who might be very willing to adopt a National Convention, if they could be ſatisfied that it was a Conſtitutional meaſure. Theſe are the ſort of publications which are thus pointed out to the attention of the public, and with what view, for what purpoſe, and upon what principles they could be ſo pointed out, is entirely for your conſideration; you will hear them read, becauſe they do appear to be material, and conſiderable ſtreſs was laid upon them on the part of the proſecution.

[*Vide vol.* 1, *page* 261.]

Gentlemen, the next piece of evidence was the proceedings of the Society of the fifteenth of March, 1793, a Mr. Gay, of Duke-ſtreet, St. James's, was propoſed by Mr. Horne Tooke as a member; at that meeting there were thanks voted to Joel Barlow and John Froſt; and as to Froſt in particular, it was ſaid their regard was not leſſened, but encreaſed by the proſecutions and perſecutions which his faithful and due diſcharge of their commiſſion, in preſenting their addreſs to the Convention of France, may bring upon him. This, on the part of the proſecution, they inſiſt upon to be an unqualified approbation of all that Froſt did upon preſenting their addreſs, and by which they make themſelves reſponſible for the language he held.

Upon the twenty-ſecond of March there was another meeting, and then a letter from the London Correſponding Society was read, informing the Conſtitutional Society that two perſons, of the names of Grant and Littlejohn, who had been aſſociated members from the London Correſponding Society, to the Conſtitutional Society, had been excluded from their own Society, and therefore that they did not conſider them as proper perſons to be aſſociated to the Conſtitutional Society. The conſequence is the Conſtitutional

Society

Society desire them to elect others; they do elect Margarot and Hardy, who accept it, and they act in the office of Stewards for the Anniversary Dinner.

The next is a paper found upon Adams, which purports to be a letter from the United Political Societies at Norwich to the Constitutional Society; the letter was read in the Society, but the consideration of it was postponed. Mr. Tooke was not then present. Upon the twenty-ninth Mr. Tooke was not present, it was further postponed. Upon the fifth of April, Mr. Tooke being present, it was further postponed to the next meeting, and Mr. Frost desired to prepare an answer. Upon the twelfth of April, Mr. Tooke being present, the letter was read, and the answer was also read, and agreed to, and directed to be sent by the Secretary. That letter and answer must be read.

[*Vide vol.* 1, *page* 263.]

Gentlemen, one material use to be derived from this letter is, that it seems to fix pretty nearly the period about which these two Societies, the London Constitutional and the London Corresponding Society, proposed to any of their correspondents the idea of a Convention to be held here. The letter from the Norwich Society affords some observations, doubtless, upon the nature of the Convention, as they understood it. It says—"Oh, that that period were arrived"—which does not look like a Convention of the people, for the mere purpose of a Reform in Parliament. The answer to it from the Constitutional Society appears to me to be a guarded one, and to afford no just observation, that out of it is to be collected, that a Convention of another description was then in the contemplation of that Society, for it speaks of a departure from the mixed Government, it speaks of the means of restoring the Government by correcting the defects in the representation, and by correcting the extension of the duration of Parliaments, and that, therefore, in the fair construction of the letter, is the object to which the Convention which they speak of ought, if there is nothing to the contrary, to be understood to refer.

There are certainly warm and eager expreſſions in the letter, which afford ſome obſervations againſt this idea that I am now ſtating, but, perhaps, hardly ſtrong enough to change the nature of this Convention, as they expreſs it in this letter. They ſay—" That we have no longer that mixed Government which " our adverſaries are praiſing, when they know it is no longer " in our poſſeſſion, are facts notorious and indiſputable, where " then are we to look for the remedy—to that Parliament of which " we complain—to the executive power which is implicitly " obeyed, if not anticipated in that Parliament, or to ourſelves " repreſented in ſome meeting of Delegates, for the eſpecial " purpoſe of Reform, which we ſuppoſe you underſtand by " the term Convention." Regularly it is to that Parliament and to the executive power, and it is only to them, that that application is to be made, and only by them that the relief could be obtained; but yet they might underſtand that the way to obtain relief even from them, was to exert themſelves in the ſhape of a Convention, and I do not ſee myſelf that there is any thing in that letter, upon which an obſervation can be made which will warrant the underſtanding the Convention mentioned in that letter in another ſenſe; it is an expreſſion which may very well mean a Convention of the people, for the purpoſe of obtaining relief in Parliament, without being underſtood to be a Convention intended to uſurp the powers of Government.

They next read a draft of a letter, of Hardy's, to the Friends of the People in Edinburgh, dated the ſeventeenth of May, 1793, which, with Skirving's anſwer, were found at Hardy's, by Lauzun; that letter may deſerve your attention, therefore that letter, and the anſwer, muſt be read.

[*Vide vol* 1, *pages* 264 *and* 265.]

Gentlemen, it is a ſmall circumſtance in this caſe, that this letter from Skirving was produced in conſequence of an overture made to him by Hardy, becauſe Hardy ſtands acquitted; but the letter from Skirving is very fit for ſerious conſideration, becauſe they ſay, on the part of the proſecution, that this letter

opens

opens the true nature of that Convention which had exiſted in Scotland before the date of that letter, and had, in the terms of the letter, been already organized, and did afterwards, in fact, meet. The letter is couched in myſterious terms; it is of a very doubtful complexion, not very eaſy to be underſtood: but it is extremely difficult to confine it to the idea of a Convention, for the mere purpoſe of ſoliciting a Parliamentary Reform; and undoubtedly it ſerves to throw a ſtrong light upon that Convention, as it was originally framed, and as it afterwards appeared, when it got to its full growth, as it appeared at the time when it was diſperſed.

The next evidence is the proceedings of the Conſtitutional Society, upon the twenty-eighth of June, when Mr. Horne Tooke was preſent. A Committee was appointed to prepare an addreſs to the Britiſh Nation; I underſtand the croſs-examination of Mr. Tooke to have eſtabliſhed that, in point of fact, no ſuch addreſs was prepared; and, if I am right, no obſervation, at preſent, need be made upon that piece of evidence. Mr. Tooke and Mr. Yorke were inſtructed to prepare it, but I apprehend it was not prepared.

The next piece of evidence was a paper produced by Lauzun, found at Hardy's, importing to be a letter from the political Societies at Norwich, to Hardy. The latter part of that letter ſeems to deſerve attention. You will hear the letter and the anſwer read.

[*Vide vol* 1, *page* 265.]

The uſe which ſeems intended to be made of theſe letters, is to ſhew you, that after the petition to Parliament had failed, theſe perſons began to entertain notions very violent and eager, and which ſeem to expreſs a reſolution to obtain by force, that which they could not otherwiſe obtain. The paſſages, in the anſwer to this letter from Norwich, which import this, are the aſſurance—"That the firmneſs, diſplayed by the Society, is not "confined to words, but that, on every occaſion, they will be "found foremoſt in aſſerting and recovering the liberties of their "Country." In the recommendation to theſe people, orderly

and courageously preparing themselves for the event—" For as it " is natural to suppose that those who now prey on the public, will " not willingly yield up their enjoyments, nor re-possess us of our " rights without a struggle, which, by their behaviour in Ire- " land, we have some reason to think they are meditating, and " perhaps may intend to effect, by means of those very foreign " mercenaries, who are now paid by the sweat of our brow, and " whom, under some plausible pretence, it would be no difficult " matter to land on our shore; it may be more advantageous to " humanity, to shew them, at first, that their opponents are " neither mob nor rabble, but an indignant, oppressed people, " in whom is not entirely extinct the valour of their fore- " fathers." This has a pretty plain reference to force, if force should become necessary.

Gentlemen, the next is a paper found upon Adams, purporting to be a letter, dated from Edinburgh, the fifth of October, 1793, from a person of the name of Callender, to Hardy; it may be read, because there is a passage in it that seemed to me rather to be likely to be of some use to the prisoner; where he is speaking of the purposes of the association, or Convention, or by whatever name it was to be called, then began at Edinburgh.

[*Vide vol.* 1, *page* 266.]

This letter is of some use likewise to open the nature of that Convention, and to shew how it was calculated, gradually, to encrease to an indefinite number of members.

Mr. Horne Tooke is put down as being present when this letter was read, but it appeared, by the evidence of Adams, that he was not present.

There was an extraordinary general meeting on the twenty-eighth of October, Mr. Horne Tooke was not present. They read an address, signed by Skirving, and resolved to send Delegates to the ensuing Convention, to be held in Edinburgh, for promoting a Reform in Parliament; they resolved that two members of this Society be elected as Delegates to the said Convention; Henry Yorke, Charles Sinclair, and John Richter were proposed; Sinclair and Yorke were elected Delegates; Sinclair being

being present, accepted of the office of one of the Delegates; and they resolved, that if either Henry Yorke, or Charles Sinclair, be prevented from accepting the Delegation, then John Richter was to be admitted in his room.

The next evidence is a paper produced by Scott, found upon Skirving, and it is the minutes of the British Convention. They began with reading the fifth day's sitting, at which time the persons, that were assembled at this Convention, assumed the style of, "The British Convention of the Delegates of the People, associated to obtain Universal Suffrage and Annual Parliaments." Upon the ninth day there was a resolution for the Convention to resolve itself into a Committee, and a blank was left in the minutes for a resolution which was come to; and this further observation arises upon the transactions of that day—that the minute expresses that it is the *House* that resolves itself into a Committee. Mr. Scott then proved another paper found upon Sinclair, a resolution that had been left in blank in the minutes, which I before took notice of; that resolution it will be proper to read.

[*Vide vol.* 1, *page* 268.]

What was to be done, Gentlemen, at this permanent sitting of this Convention, to be held upon the appointment of a Secret Committee, in some secret place, on the different emergencies that are there described, is certainly not expressed, but must be collected from all the circumstances; and it will be material to consider whether there be ground to collect, that all that was intended to be done, in that place, was to apply to Parliament for relief in the particular cases suggested, which would apply to every thing, but the case of an invasion; in the case of an invasion, it is a little difficult to comprehend of what use such a meeting could be. If, on the other hand, you collect from this resolution, that this was to be a meeting which was to use force, in either of the cases pointed out, it has a very material and weighty effect in another view of the case; it is darkly expressed, and you must form your own judgment upon it, under all the circumstances of the case, as well as you can. They go

on

ment to resolve, "That a Committee be appointed to draw up a "declaration of the natural, unalienable, and imprescriptible "rights of man, to be prefixed to an address to the people of "Great-Britain." It does not appear whether that was ever drawn up; probably the dispersion of this Convention, on the fourteenth day, prevented it. To those who are acquainted with the history of the proceedings of the National Convention of France, this sort of resolution has an alarming aspect.

They then read the proceedings of the tenth day, and then they date "Convention-hall, the first year of the British Convention." This is a very extraordinary assumption, if it be referable to a private meeting of subjects, meaning to obtain Parliamentary Reform in a regular course; it is that formal style which belongs to a public assembly, and, indeed, to a public assembly acting for the Government; but then this may be vanity, and folly, and nonsense, and, as such, taken under all the circumstances, may deserve no attention; or it may be a very material circumstance, added to other circumstances in the case, marking what were the objects of this meeting; it does require an explanation, in some manner or other, because it is a sort of thing not to be found in the private assemblies of any individuals, assembled for any regular purposes that can be imagined.

Upon the eleventh day's sitting there is another affectation of the manners of the French Convention, for they give "the honours of the sitting" to some person who was there. The Secretary upon this day read a motion for publishing the natural, unalienable, and imprescriptible rights of man, which was ordered to be referred to the Committee of Union. There was then a motion for drawing out a scroll of a petition to Parliament, that seemed to be what was to be immediately the business of this meeting, according to the representation of it, that is made in favour of it, but "the order of the day" was put upon that. The order of the day would have been a thing unknown to us, without the explanation that we have from the course of the proceedings in the National Convention of France; there the order of the day, put upon a motion, means nothing

more

more than a manner of pronouncing a negative. There are, in the regular eſtabliſhments of our Conſtitution, very frequently orders of the day, which, being called for, have a priority; but it does not at all appear, that in this caſe, there was any other buſineſs which had been appointed for that day, which was to have the priority; and, in the way this was put an end to, they ſeem to have adopted, the cant-words that have been uſed in France.

Upon the twelfth day they enter into a debate of the comparative merit of the title of "gentleman" and "citizen," and they prefer to uſe the word citizen.

Upon the thirteenth day they began to apprehend that they ſhould be diſperſed; and then there is a reſolution—"That the mo-"ment of any illegal diſperſion of the preſent Convention, ſhall "be conſidered as a ſummons to the Delegates, to repair to the "place of meeting appointed for the Convention of Emergency "by the Secret Committee; and that the Secret Committee "be inſtructed to proceed, without delay, to fix the place of "the meeting."

They then, on behalf of the priſoner, called for the proceedings of the twenty-firſt of November, and, undoubtedly, they throw an air of ridicule upon the proceedings of this Convention. It ſpeaks of fifteen ſhillings being received from ſix viſitors; propoſes a general collection to be made; Callender and Scott were appointed collectors; four pounds five ſhillings and eight-pence was drawn, as they call it, of which there were two bad ſhillings, which are deducted from this ſum. There was nineteen and three-pence collected at the door, and a ſhilling more; this, I think, was all that was read of theſe proceedings of the Scotch Convention.

They then read the proceedings of the Conſtitutional Society of the tenth of January, 1794, when Mr. Horne Tooke was preſent. Mr. Sinclair's letter, and the ſubſequent proceedings of the Convention, were ordered to be taken into conſideration on the Friday following, at a general meeting. On Friday, the ſeventeenth of January, there was another meeting, when Mr. Horne Tooke was in the chair. There was a reſolution come

to,

to, which was voted to be publiſhed; that is of importance, and you muſt hear it read.

[*Vide vol.* 1, *page* 270.]

Gentlemen, you obſerve that theſe reſolutions import an unqualified approbation of the proceedings of this Scotch Convention, and alſo do allude, intelligibly enough, to a reſolution to reſort, if it ſhould become neceſſary, to force, for the recovery, of what is underſtood to be, their rights. It is to be obſerved upon this, that Mr. Horne Tooke was in the chair when the two firſt reſolutions were voted, and that he left the chair afterwards, when Gerald took the chair; whether Mr. Tooke abſolutely retired, does not appear by the evidence, one way or other: he certainly was not in the chair.

The next is a paper found upon Adams, which imports to be a letter from Hardy, and, among other purpoſes, to give notice of an anniverſary dinner of the London Correſponding Society, upon the twentieth of January; and he alſo ſends copies of an indictment againſt Margarot, in Scotland.

Upon the twenty-fourth of January, 1794, Mr. Horne Tooke was preſent, and Martin being preſent, there is a motion that the Addreſs of the London Correſponding Society ſhall be inſerted in the books of this Society, it will be neceſſary that that ſhould be read. It was obſerved, on the part of the priſoner, Mr. Horne Tooke, that the Addreſs that was ordered to be entered, has no date given to it in the reſolution; that therefore there is no knowing exactly what Addreſs was referred to; that is for your conſideration, the fact being that this is a tranſaction upon the twenty-fourth, and that upon the twentieth, at the Globe Tavern, there was an addreſs of the London Correſponding Society agreed upon, which was of an extraordinary nature, and muſt have been, at that time, extremely well known, and the ſubject of converſation; and, unleſs the contrary appears, I ſhould imagine you will not find much difficulty in ſuppoſing that that was the Addreſs which is there deſcribed.

[*Vide vol.* 1, *page* 273.]

Gen-

Gentlemen, Mr. Maclean then produced a paper found at Adams's, which is proved by Mr. Woodfall to be the hand-writing of Mr. Tooke; that paper is a minute of theſe reſolutions. With regard to all that part of the paper which contains remarks upon the King's ſpeech, it certainly has no immediate reference to this particular caſe; and therefore, though it is impoſſible not to diſapprove extremely of it, and to lament that ſuch liberties ſhould be taken, upon any occaſion, with a ſolemn act of State, which the King's ſpeech in Parliament is, yet it ought not to influence beyond its proper bearing; and it does not ſeem to me to have any influence to prejudice the priſoner, Mr. Horne Tooke, upon the preſent enquiry. It was wrong, no doubt, but it does not apply directly to this caſe: why it ſhould have been publiſhed, in this manner, ſo anxiouſly, together with that Addreſs of the London Correſponding Society, is very inexplicable. The fact was ſo, and here is a formidable reſolution, that forty thouſand copies of this Addreſs, Speech, and Reſolution, ſhould be publiſhed upon one ſheet of paper. You find, in the evidence, ſome reaſon to doubt whether they did always publiſh copies quite to the extent of the reſolutions paſſed. Upon the reſolution this appears to be a very anxious diſperſion of that Addreſs, and of thoſe other papers.

Gentlemen, the next witneſs is James Davidſon; he ſays he is a printer; that, before the twentieth of January, he was applied to to print the Addreſs, and that he had printed the copy of it, which is now produced, by the order of Mr. Thelwall, and that copy was found in the poſſeſſion of Adams, and this is the Addreſs of the twentieth of January, at the Globe Tavern, which has not before been read to you, but which muſt now be read.

[*Vide vol.* 1, *page* 275.]

Gentlemen, there are but few obſervations to be ſubmitted to you at preſent upon this paper; you have heard it read, and there is nothing equivocal in the expreſſions, till you come to that which ſeems to be the reſult of the whole of the reſolutions, namely, "That there is no redreſs for a Nation, circumſtanced "as we are, but in a fair, free, and full repreſentation of the "peo-

" people." Now the ſhort queſtion, that is ſubmitted to your judgment, upon that is—Do theſe people ſpeak of a redreſs to be obtained by a full, fair, and free repreſentation of the people, who have ſaid, that there is no redreſs to be had from the laws; who have ſaid, that they muſt ſeek redreſs from themſelves; that they cannot have grapes from thorns, nor figs from thiſtles?—Can they mean to have that full, fair, and free repreſentation of the people by any courſe of law, or in any ordinary courſe of the Government and Conſtitution of the Country; or muſt they neceſſarily be underſtood to mean that they will have that fair, full, and free repreſentation of the people by their own force, and by their own ſtrength, independent of the Laws and the Conſtitution of the Country?

Gentlemen, the next is a paper found upon Adams, dated the twenty-fourth of January, 1794, which purports to be a letter from Hardy, as Secretary of the London Correſponding Society, ſignifying, that by order of the Society, he tranſmitted to them copies of their late publication; that is the Addreſs of the twentieth of January; you recollect the paper read was found upon Adams.

William Walker is then called to prove the hand-writing of one John Martin, in a letter addreſſed to Margarot, at the Tolbooth, Edinburgh, which letter bears date the twenty-ſecond of January, 1794. In this letter he ſpeaks of the meeting of the twentieth, and of himſelf being in the chair: he gives an account how every thing paſſed, and of another general meeting being intended, for the purpoſe of obtaining a ſubſcription for the perſons in priſon in Scotland; there are a great many indecent and inſolent obſervations, upon a circumſtance which happened when the King was returning from the Parliament Houſe: he ſays, I could write ſtrange things, but he forbears, and mentions that a perſon of the name of Gay, whom he calls, citizen Gay, ſays more than I dare write. I do not find that there is any other explanation attempted of that paſſage, than that there was a perſon of the name of Gay, of Duke-ſtreet, Weſtminſter, propoſed as a member of the Conſtitutional Society by Mr. Tooke; but as to whether ſuch a perſon was propoſed, or not

propoſed,

propoſed, or who, or what he was, if he ſays what this man dare not write, it does not ſeem to amount to any thing; and I hardly think it is neceſſary that you ſhould hear this letter of the twenty-ſecond of January, 1794, read: I wiſh to avoid, if poſſible, a repetition of the ribaldry that is in it, reſpecting the perſon of the King, perhaps it may be as well that it ſhould not be read, unleſs deſired by the Counſel on either ſide.

The next piece of evidence is a paper produced by Walſh, found in the poſſeſſion of one Saint, at Norwich; it is a letter addreſſed to Mr. Charles Corbell, by St. Mary's Church, Norwich, dated the eleventh of January, 1794, ſigned Thomas Hardy; that letter muſt be read.

[*Vide vol.* 1, *page* 277.]

The material paſſage in this letter is this—"Now is the "time for us to do ſomething worthy of men;" and then by way of ſome explanation of what that ſomething ſhould be, he goes on to ſay, "the brave defenders of liberty, ſouth of the "Engliſh Channel, are performing wonders, driving their ene-"mies before them, like chaff before the whirlwind." Now whether he means to drive the enemies before him, as the defenders of liberty did on the ſouth of the Engliſh Channel, or no, you muſt collect; he does not tell us what it is that he means ſhould be done. There is a paſſage in the latter part of it, which is only a ſtroke of malignity, and not worth paying any attention to, that is recommending a method of brewing beer that will operate two ways—to ſave his friends money, and to be a diminution of the revenue.

Walſh then produced another paper, dated the twenty-eighth of January, from Hardy, to a perſon in St. Mary's, Norwich, in which there are paſſages of pretty much the ſame nature with the laſt; that muſt be read.

[*Vide vol.* 1, *page* 277.]

Gentlemen, we return to the proceedings of the Conſtitutional Society. Upon the ſeventh of February, 1794, Mr. Horne Tooke being preſent, it was moved, that a circular letter

ſhould be ſent to each member, with a ſtatement of the caſe of Sinclair, in order to ſolicit a ſubſcription for him. Maclean produced a paper found at Adams's, and it appears by Mr. Woodfall's evidence, that this, which is a rough draft of the reſolution, has Mr. Tooke's hand to parts of it, and it was moved by Mr. Tooke; the letter is ſigned John Horne Tooke; it muſt be read.

[*Vide vol.* 1, *page* 278.]

Gentlemen, obſervations upon this letter are made to you on both ſides. On the part of the proſecution, they ſtate, that this unqualified approbation of Mr. Sinclair's conduct, brings home to Mr. Horne Tooke all the proceedings in Scotland—imports his entire aſſent to theſe proceedings; and produces a degree of reſponſibility for them. On the other hand, they ſay that this is too much to be inferred, becauſe the great object was to ſolicit a ſubſcription for Sinclair, which ſubſcription might well be ſolicited, by a perſon who thought he had ſuffered, without the perſon who ſolicited the ſubſcription approving of all that he had done, which had brought on thoſe ſufferings; that I think is hardly to be allowed to be a juſt obſervation upon the evidence; becauſe it was not neceſſary to declare, that he had conducted himſelf in a manner that was ſatisfactory to the Society, unleſs they really approved of his conduct; then a further obſervation ariſes upon it, which is, that as far as is to be collected from this letter, the writer of it, and the Society who directed it to be written, underſtood all theſe proceedings in Scotland, to have had the diſtinct object in view of a Parliamentary Reform, and no more; and this letter concludes with ſuppoſing, that that was, and is, the object which they mean to purſue; whether that is the genuine ſenſe of theſe perſons, or whether it was proper that the letter ſhould be conceived in theſe terms, conſiſtent with the general plan of the buſineſs then in agitation, is for you to collect, from the whole effect of the evidence. I only ſtate to you how they put the obſervation on both ſides.

Gentlemen, the next piece of evidence is the proceedings of the fourteenth of February, Mr. Horne Tooke being then in

the

the chair; but I think that relates only to this letter, which was then ordered to be ſigned by the chairman, and printed, and ſent to the members of the Society. On the ſeventh of March there was a meeting of the Conſtitutional Society, Mr. Horne Tooke preſent, when they read a letter from Sinclair; and they reſolved that the ſum of twenty guineas be paid to him at Edinburgh; and that the ſum of ten pounds, having been paid to Sinclair by Williams, that the Secretary repay Williams.

They then read a letter from Margarot to the Norwich Societies, dated the twenty-fourth of November, 1793; which was found upon Saint; in which he gives ſome hiſtory of theſe Edinburgh proceedings; and it will be proper, I think, that you ſhould hear that read.

[*Vide vol.* 1. *page* 283.]

The uſe they made of this paper was principally to ſhew the nature of this Convention; but the circumſtance mentioned laſt, namely, that the greateſt hopes were from the Country—from Scotland, where the writer then was, may be worthy of obſervation; becauſe the number of the people, who were ſuppoſed to entertain this opinion for Parliamentary Reform; and to be engaged in theſe Societies, if once brought into action, might be a very conſiderable body of people; and extremely capable of producing a very great effect upon the Government of the Country.

The next piece of evidence was a letter of the ſecond of December, from Gerald and Margarot, to Hardy; which was produced by Gurnell; it relates to a propoſition which had been made, for their returning from Scotland as ſoon as the buſineſs of the Convention was over; it ſpeaks of the neceſſity of one or both remaining there; that they were to viſit the different Societies, and endeavour to connect them all with this Society; and that it was therefore of great conſequence that they ſhould not be removed, both of them; it ſpeaks of the Convention going on with great ſpirit, and of the reſolution that they had come to, that they were to aſſemble by order of a Secret Com-

mittee, in the circumſtances that are expreſſed in the reſolution; it ſpeaks of Sinclair as if he was abandoned by his own Society. This goes to ſhew, that the Conſtitutional Society did not appear to be very hearty in the buſineſs of that delegation.

Gentlemen, the next evidence is a letter found upon Saint, dated Spithead, the tenth of March, 1794, from Margarot to his friends at Norwich. It ſpeaks of the French fleet being out, as a ſubject of ſatisfaction; and exhorts them to perſevere; and ſtates his own reſolution to perſevere in the cauſe they were engaged in.

Then Maclean produces a paper found at Adams's, dated the twenty-ſixth of May, 1797, but probably it means 1792; it is a letter from Aſhton, who was Secretary to the Sheffield Society, to Adams, in anſwer to a letter of Adams's, written upon the third of that month; it ſpeaks of the Society for Conſtitutional Information, having accepted twelve members from Sheffield, to be aſſociated to them; it congratulates the Society on their enlightening the minds of the people; it ſtates their number to be increaſed to two thouſand four hundred; if you recollect the evidence, it is, that they at no time exceeded ſix hundred, and a fraction; he expreſſes himſelf, and his Society, to be diſſatisfied with the conduct of the Society of the Friends of the People, at Free Maſons Tavern; and particularly diſſatisfied with their anſwer to the Conſtitutional Society; it ſpeaks of their having themſelves written a letter to the Friends of the People; and that they had had no anſwer as yet; but that they had received a packet from the Friends of the People; that they had alſo had a packet from the Friends of the People in Southwark, which they approved of; probably that was a packet, containing that declaration, which had thoſe exceptionable words in it of Repreſentative Government; it ſpeaks of correſpondencies with Mancheſter, Birmingham, and other places; and expreſſes the hopes the writer entertains, that thoſe places may now become uſeful to the cauſe. Mr. Woodfall ſtates, that there is a word interlined in that letter, which is of Mr. Horne Tooke's hand-writing; but it is only the word *from*; and the obſervation which it occurs to me to make upon it is, that the

paper

paper being in the hands of the perſon who would have received it in the regular courſe, without Mr. Horne Tooke's interference, and the correction, being in a particular expreſſion grammatically inaccurate, which perhaps Mr. Horne Tooke's correct ear or eye could not bear, I think it is very likely, that this alteration of the word *from* might have been made by Mr. Tooke, after the letter had got into the hands of Adams; and that he had been amuſing himſelf with making better Engliſh of it than it was before; beyond which it does not appear to me that any obſervation can fairly be preſſed againſt Mr. Tooke.

Lauzun then produced a paper found at Hardy's, of the fourth of March, 1793; which is the draft of a letter from the London Correſponding Society, upon the ſubject of petitioning Parliament; he expreſſes himſelf as conveying the ſenſe of that Society; that it would not produce a Reform; but that if every town would take a part in it, ſtill they ſhould gain ground; this paper will be read to you.

[*Vide vol.* 1. *page* 290.]

The next is a paper, dated the tenth of June, 1793, ſigned by Margarot and Hardy, directed to one Kilminſter, the Secretary to the Birmingham Society; it ſpeaks of the ſatisfaction the Society have, in receiving a letter from Birmingham, which was not underſtood to be ſo well affected to them; and there is one expreſſion in it, for which it muſt be read, that the Nero's would be forced to yield to the juſt demand of a long and ſore oppreſſed people.

[*Vide vol.* 1. *page* 290.]

They next read a letter from Hardy, dated the 5th of October, 1793, which was found among Skirving's papers, at Edinburgh; it propoſes to him, to recommend to the London Correſponding Society, to ſend Delegates to the Britiſh Convention, at Edinburgh; it ſtates, that he had communicated the idea of the Britiſh Convention to Margarot, who very much approved of it; but that he had mentioned it to nobody elſe; he wiſhed

Skirving to write an official letter to the Society; but to take no notice of the letter which Hardy had written to him; and he had no doubt but that Delegates would be ſent. This was a very material letter in the former trial; nothing now turns upon the manner and ſtyle of it; but it ſeems probable, that the occaſion of the Delegates being ſent from England, was the original application to the London Correſponding Society, from Scotland, through the interference of Hardy.

They then read a paper, found upon Skirving, purporting to be a certificate of Margarot's and Gerald's delegation. The only material circumſtance is, that the certificate expreſſes that they are Delegates to this Convention, for the purpoſe of obtaining a Reform in the Parliamentary Repreſentation of the people of Great Britain; which, upon the face of it, does not appear objectionable.

Upon the eighth of November, 1793, at a meeting of the London Conſtitutional Society, Mr. Tooke being preſent, letters were read from the Societies at Sheffield, Leeds, and Birmingham, in anſwer to the Secretary's letter, of the twenty-eighth of laſt month; theſe were found among Adams's papers. The Sheffield letter will be read to you.

[*Vide vol.* 1. *page* 291.]

They read then the proceedings of the Convention in Scotland, in order to ſhew, that this Matthew Campbell Brown had acted as a Delegate from Leeds; and it did appear, by theſe proceedings, that he had ſo acted.

They then produce a letter found upon Adams, from the Leeds Society, dated the fifth of November, 1793, expreſſing their ſatisfaction at hearing, that the Conſtitutional Society had ſent Delegates: there ſeems to be nothing more in that letter, and therefore it need not be read.

Mr. Walſh then produced, from among Saint's papers, at Norwich, a letter, dated the twenty-third of November, 1793, from Hardy, to the Norwich Society; it ſpeaks of the London Correſponding Society having been informed of the Convention, and their having ſent Delegates to it, and of the Conſtitutional

Society

Society alſo having ſent Delegates, that this meaſure had diffuſed ſpirit and reſolution through the Societies in Scotland, and that there was a proſpect of an entire union; it alſo ſtates the expectations of the Society, that thoſe to whom he was addreſſing himſelf would join in this grand federation; and, I think, it was more for the ſake of that word than any thing elſe very material, that this was read.

On the ſixth of December, 1793, there was a meeting of the Conſtitutional Society, at which Mr. Horne Tooke was preſent. They read a letter from Sinclair, their Delegate, to the Convention, at Edinburgh, dated the ſeventh of November, and another dated the twelfth of November: they reſolved that there ſhould be a general meeting called the ſecond Friday in January, for the purpoſe of conſidering the important letters received from Sinclair; a Committee was appointed to correſpond with him. Mr. Horne Tooke was not one of that Committee.

Maclean then produced from Adams's papers a letter from Sinclair to Adams, dated the ſeventh of November, 1793; it ſpeaks of his acting in union with the Delegates of the London Correſponding Society, and it ſpeaks of the fears of the Borough-mongers being greater there than in England; and it ſays, if there were twenty Delegates to come from England, it would produce three times the number from thence; theſe expreſſions, "fears of the "Borough-mongers," rather ſeem to favour the idea of its being a Parliamentary Reform in the Houſe of Commons, that theſe people were purſuing, becauſe that would more immediately affect Borough-mongers than any body elſe. It is not very eaſy to reconcile this expreſſion with a Reform of another nature, in which all conſideration of Boroughs would, as it ſhould ſeem, be out of the caſe.

They then read a letter from Sinclair, addreſſed to the Conſtitutional Society, of the twelfth of November, 1793, which deſires that Society to appoint a Secret and Select Committee, to receive communications from him, with power to anſwer his letters: it ſpeaks of his being upon his poſt at Edinburgh, and deſires that the publications of the Society may be ſent down to him. This has a more ſerious aſpect, becauſe, deſiring a Secret

and Select Committee to be appointed to receive his communications, looks as if ſomething very ſecret and ſelect was to be communicated, not coming within the notion of the proceedings of Delegates, appointed to procure Parliamentary Reform, in any regular courſe. The next is a letter from Skirving, which purports to be a circular letter, which was found in the hands of Adams; it informs the perſons to whom it was ſent, that Delegates had arrived at Edinburgh, from London; that Delegates from the other Societies in England were then upon the road, and would ſoon alſo be there, to wait upon the Friends of the People, to eſtabliſh an indiſſoluble union between the two Countries; and though the Delegates had adjourned, after having met upon the firſt of November, he takes upon him to recal them; and this is a circular letter for that purpoſe: I think this need not be read.

Gurnell then produced a letter found in Hardy's poſſeſſion, of the twenty-fourth of January, 1794, from Margarot, in the Tolbooth, to Hardy: he ſays that letter is to be conſidered as a private letter, but with liberty to ſhew it to any perſon where it can be made uſe of: he ſays the Sheffield people are more in earneſt than the London people: then he mentions one circumſtance more material; he ſays, that armed aſſociations are now ſet on foot by the rich, why ſhould not the poor do the ſame. This man was a Delegate from Sheffield, as well as from London; you recollect the circumſtance of the Sheffield pikes breaking out, I think, in the month of March or April; whether this hint has any connection with the circumſtance of the Sheffield pikes, may be worthy of conſideration: he ſpeaks vehemently: he aſks whether they will ſtretch forth their necks, like lambs, to the butcher's knife, and will like them bleat under it: this ſeems to me to be all that ariſes upon that letter.

They then call one Williams, to prove a paper produced to be of the hand-writing of Thelwall, who is one of the perſons upon this Committee of Correſpondence and Co-operation, which is the immediate ground-work of the preſent charge. It is a letter addreſſed to Citizen Jack Vellam; that letter it will be neceſſary to read.

[*Vide vol.* 1, *page* 305.]

Gentlemen, one obſervation in favour of the priſoner ought to be made upon this letter; it is, that Thelwall's ſaying that Mr. Tooke partly prepared theſe reſolutions, is not properly evidence to prove that fact againſt Mr. Horne Tooke; it proves that this man underſtood it ſo, and as againſt him it is evidence, but it does not amount to evidence of the fact againſt Mr. Tooke.

Upon the twenty-firſt of March, 1794, there was another meeting of the Conſtitutional Society, when Mr. Tooke was preſent; it was then reſolved unanimouſly, to write to the Sheffield Society, to thank them for the proper method which they had appointed for keeping the public faſt: it ſpeaks of the anniverſary dinner of the Conſtitutional Society being appointed for the ſecond of May, at the Crown and Anchor; that a perſon, deſcribed by them as "Citizen Wharton," was to take the chair; and that other perſons, deſcribed as citizens, were to be the Stewards. This appears to me to be the firſt time that the term Citizen was uſed in the Conſtitutional Society; and it may deſerve your attention, Gentlemen, that, upon the twenty-eighth of March, 1794, at a meeting of this Society, Mr. Tooke being preſent, a letter from the London Correſponding Society was entered upon the books, dated the twenty-ſeventh of March, which tranſmits the reſolution of the London Correſponding Society for a Convention: that letter muſt be read.

[*Vide vol.* 1, *page* 308.]

The next was a paper found upon Adams, a letter from Hardy, tranſmitting the names of five perſons appointed to hold a conference with the members of the Conſtitutional Society, namely Moore, Baxter, Thelwall, Hodgſon, and Lovett.

At a meeting of the Conſtitutional Society, upon the fourth of April, 1794, at which Mr. Tooke appears by the books to have been preſent, that letter was read, and a Committee of Correſpondence was appointed, of which Mr. Tooke was one, to meet thoſe perſons appointed from the Correſponding Society,

Upon the eleventh of April, 1794, at a meeting, when Mr. Tooke was alſo ſtated upon the book to be preſent, and alſo Hardy, there is a report of the reſult of that conference made by Mr. Joyce: that report muſt be read.

[*Vide vol.* 1, *page* 311.]

Gentlemen, you will recollect, that upon the evidence of Mr. Adams, it ſeemed to be proved, that though Mr. Horne Tooke's name is ſet down as if he had been preſent at the appointment of the Committee of Correſpondence, and alſo preſent at the time of the report of the reſult of the conference, that in fact it was a miſtake, for he was not preſent; that he went away. Upon the part of the proſecution, in order to fix upon Mr. Horne Tooke the knowledge of, and aſſent to theſe meaſures, whether he was actually preſent, at the time that they appear to have paſſed, or was not preſent, they produce from Adams's papers, a paper which Mr. Woodfall proves to have Mr. Tooke's hand-writing to it in ſeveral places, which purports to be a minute of the reſolution, as it was delivered in by Mr. Joyce, and to have certain alterations made in it, by means of drawing a circle round particular words, which adapted it to the ſtate in which it appeared on the books of the Society, as a reſolution of the Society, and if that is ſatisfactorily proved to you, undoubtedly that paper, having ſo much of Mr. Horne Tooke's hand-writing in it, is evidence of his knowledge, of his participation, and of his conſent to the meaſure, whether he actually was preſent, or was not preſent: that paper was handed to you at the time it was read, therefore it can hardly be neceſſary to have it read again.

Mr. Maclean then produced from among Adams's papers, a paper which Grant proves to be of Hardy's hand-writing. This is only to confirm, and to ſtrengthen, this part of the evidence of the tranſactions between the two Societies, upon the fourth, and upon the eleventh of April, and upon the twenty-eighth of March: this is Hardy's letter to Adams upon the ſubject, which was entered upon the eleventh of April, and which has been read to you.

They

They then produce from among papers in the poſſeſſion of Saint, at Norwich, a paper ſigned "Thomas Hardy," which purports to be a circular letter, and they produced a bundle of theſe papers, alſo purporting to be circular letters found at Hardy's houſe: that circular letter it will be proper to read.

[*Vide, vol.* 1, *page* 315.]

Gentlemen, it is to be obſerved upon this circular letter, that the language of it is, as if the Convention that was to be held, was to be a peaceable meaſure, for he ſpeaks of it as the only peaceable meaſure that now preſents itſelf with any proſpect of ſucceſs. He certainly accompanies this peaceable meaſure, with an introduction which ſuppoſes a great deal of violence to be reſiſted, ſome way or other, by thoſe perſons who were to meet in this manner; for it ſays, that "Heſſians and Hanoverians "are coming among us; if we tamely ſubmit, a cloud of theſe "barbarians may ſhortly be poured in upon us." What a peaceable Convention was to do in ſuch a caſe one does not readily ſee. With regard to the manner of conducting of it, the affectation of ſecrecy, and recommending a Secret Committee to them likewiſe, gives the meaſure an air of great importance, and neceſſarily tends to create a certain degree of ſuſpicion; how much, you will judge of from the general context of the evidence. It appears, by papers found upon Hardy, that this circular letter had been iſſued; the date of it does not appear; I ſuppoſe they were filled up as they were ſent. It appears that there was a letter of the ninth of April, 1794, from Alexander Mitchell, dated Strathaven, addreſſed to Hardy, which purports to be an anſwer to this circular letter; it ſpeaks of their agreeing for their Societies to appoint a Delegate, and that they had appointed a Secret Committee to conduct the buſineſs.—Plainly with reference to the contents of that circular letter.

Walſh produced a letter, found at Saint's, at Norwich, dated the twenty-fourth of February, 1794, which purports to be an account of a general meeting of the Delegates at Norwich, and a reſolution to ſend Delegates to this Convention.

Gurnell then produced, from among Hardy's papers, a letter from

from Cockburn, of Briſtol, to Hardy; and he approved of this Convention.

They then read a letter from Newcaſtle upon Tyne to Hardy, of the twenty-fourth of April, 1794. It ſpeaks there of the riſe of their Societies—of their having Ariſtocratic magiſtrates, who interrupted them; it then ſays, that the writer hopes "that "the hydra of tyranny and impoſition may ſoon fall under the "guillotine of truth and reaſon." To this letter there is an anſwer, which is in evidence, directed as the letter deſired it might be directed: that anſwer it will be proper to read, as well for the other contents, becauſe it echoes back that expreſſion—hoping that the hydra of tyranny and impoſition may ſoon fall under the guillotine of truth and reaſon.

[*Vide vol.* 1, *page* 317.]

The next piece of evidence is a paper taken from the perſon of Thelwall, which imports to be a letter from Broomhead, of Sheffield, to Hardy; how it came into the hands of Thelwall is difficult to be collected. It ſpeaks of there having been a meeting at Halifax in the open air—of there having been a meeting, in which it was propoſed that there ſhould be Delegates, to conſider of meaſures for holding a Convention; but that this meeting had been poſtponed, till they could have the opinion of Hardy.

The account book of the Society for Conſtitutional Information was produced; and it appears that there was paid, by order, to Thelwall, ſix guineas, upon the thirteenth of March: the occaſion of that payment appears by a paper found on Adams, which is a letter from Thelwall to Adams; the paper begins—"Citizen Adams;" in which he deſires, as from Mr. Horne Tooke, to have a liſt of the Conſtitutional Society; and alſo, at the requeſt of the ſame perſon, he deſires that ſix guineas may be paid to him for printing the laſt twenty-five hundred Addreſſes; and which ſix guineas ſeems to have been paid.—From the date, this was, probably, the Addreſs voted at the Globe Tavern upon the twentieth of January.

Lauzun then produced a book, found at Hardy's, entitled,

"The

"The Faſt Day, as obſerved at Sheffield." It appears by the book, that the Conſtitutional Society had approved of the reſolutions of the Sheffield Society upon the twenty-firſt of March; and it alſo appears that the Correſponding Society had approved of the proceedings that were read to you before, and the manner in which that day had been employed. I believe that book was read; it can hardly be neceſſary to read the whole of it again; the lecture, in particular, may be omitted; it was a very indecent compariſon of the ſins of Ahab with our ſins, and it does not lead very particularly to throw light upon the preſent ſubject, and therefore the reading of it may as well be ſpared; but the reſolutions muſt be read.

[*Vide vol.* 1, *page* 319.]

They then call William Broomhead, who ſaid he is a member of the Sheffield Society; that he was Secretary for the laſt five months before he was apprehended; he ſaid he knew Mr. Yorke, who was occaſionally at Sheffield; he remembered a meeting on the Caſtle Hill, upon the ſeventh of April, there had been a previous meeting between himſelf, Gale, Yorke, and ſome few others; that at that meeting certain reſolutions were drawn up, and it was ſettled that there ſhould be a motion to petition Parliament, which was to be negatived, and he was ordered to make the motion accordingly; he did make it, nobody ſeconded it, and ſo it fell; he could not ſay that the people when it was moved, ſaid any thing for or againſt it, for that the people at ſuch meetings generally wait for the countenance of their leaders; he ſays Yorke made a ſpeech. When the witneſs had gone thus far, they produced a paper found upon Adams by Maclean, which was ſhewn to the witneſs, and he ſaid that this paper was one of the number of printed papers which he had ſent up in a box to Hardy; he ſaid he might perhaps ſend ſome alſo to Adams, for any thing he knew, but he did remember very well ſending up papers to Hardy; that paper contained the proceedings on the Caſtle Hill. That muſt be read.

[*Vide vol.* 1, *page* 322.]

They

They then proceeded to croſs-examine Broomhead, on the part of Mr. Horne Tooke; he ſaid they had no view of overturning the Government by force, that he knew of; that there was no intent to attack the King; that they were as well affected to the King as any people in England; that there was no intention againſt the Houſe of Lords, to his knowledge; but a Reform in the democratical part of the Britiſh Conſtitution was that which they aimed at, the repreſentative part in the Houſe of Commons; he knew of no other view, and they had no view to obtain it by force.

He was aſked upon his re-examination for the proſecution, how that motion to negative the petition to Parliament was managed; he ſaid that it was ſettled by a very few perſons; that if any perſon had had views of doing any thing improper, or by force, it was unknown to him, and thoſe with whom he acted; that a deference was paid to ſome of the leading perſons in the ordering the affairs of the Society; that he was a paſſive perſon himſelf as being Secretary. He was aſked what is become of Gale, one of the perſons named as being of that ſmall party that ſettled the buſineſs relative to the motion, he ſaid he did not know what was become of him; he ſaid he did not take any part about this motion, becauſe he had been told that as Secretary, he had no right to give an opinion.

George Widdiſon was then called, he ſaid, he became a member of this Society at Sheffield two years ago; that part of that time he belonged to the Diviſion number One, and was a Delegate; that the Society might conſiſt of about ſix hundred regular members; they met once a fortnight in the Diviſions; that Diviſion, number One, met on a Tueſday or a Wedneſday; that the general meetings were occaſionally once a month, or once in ſix weeks; he ſays he ſaw Yorke at Sheffield two years ago; he firſt ſaw him in Queen-ſtreet, ſoon after the execution of the King of France; that Yorke was generally in the chair when at Sheffield; he remembered Matthew Campbell Brown being elected a Delegate to the Convention at Edinburgh; that Brown had been a Player, afterwards he acted as an Attorney; Yorke once lodged at Cawthorne's, the witneſs attended him there as

a hair-

a hair-dreſſer; Yorke afterwards lodged at Beale's, a Grocer; that he had ſome converſation with him about pikes; that Yorke ſeemed to agree upon the neceſſity of pikes being made; he ſaid Yorke gave him to underſtand that Gale would take a dozen of pikes, and he made a dozen, or a dozen and a half of pike handles for Gale; he ſent one of them to Yorke, who ſaid it would do; the witneſs was a Turner by trade, as well as a hair-dreſſer; that the pikes were about ſeven feet long; Yorke aſked him ſome few times—how do you go on with theſe pikes; he ſaid, the pike heads were to come from Daviſon's; there were iron hoops put on at the ends of the ſhafts; the witneſs ſaid he withdrew himſelf, after ſome time, from this Society; he ſaid he told Yorke one morning, he thought they were going too far reſpecting Univerſal Suffrage; that he was convinced it would carry them too far by drawing in too great a number of people to give their voices for Members of Parliament before they were acquainted with the buſineſs; he ſaid he had converſation with Daviſon; that he never underſtood the pikes were for any other purpoſe than for their own defence; he deſcribes the head of theſe pikes to be about eight inches in length, and about an inch and a quarter in the broadeſt part.

He was aſked upon his croſs-examination, whether he was an enemy to the King; he ſaid, God forbid; that they had no intent to attack the power, or the perſon of the King, to his knowledge, and that he would not have continued in the Society if they had; he ſaid their plan originated in what was drawn up by the Duke of Richmond. The letter of the Duke of Richmond to Colonel Sharman was ſhewn to him; he ſaid he believed that was the general idea they had all that time, becauſe they thought there was no other plan ſufficiently effectual to reform the Houſe of Commons, and make it what it was originally intended by the Conſtitution; he never underſtood that it was meant to be done by force; that the principal ground for his withdrawing from them, was his not approving of Univerſal Suffrage; he believed the pikes never were intended for any other purpoſe than to defend themſelves; that Gale's houſe had been abſolutely attacked upon ſome news being brought

to Sheffield, and his friends were under the neceſſity of coming to defend him; that Gale, he thought, was ſo honeſt a man that he could not make an ill uſe of theſe pikes; he heard the oppoſite party ſay, that if there was an invaſion they ſhould firſt fall upon this party at Sheffield; he ſaid he believed that the only reaſon for having theſe pikes was the attack made upon them; he never underſtood they were intended againſt the Government; he ſaid the oppoſition was among themſelves; he thinks that one Bamford, Thomas Penn, and another man, who he ſaid was a Parſon, were the cauſe of all the miſchief in the neighbourhood; that that laſt man publiſhed an inflammatory letter in the paper called the Courant, recommending to the people, called by the name of Ariſtocrats, to take up arms, and exterminate theſe people; he particularly remembers this letter, and that there were ſimilar letters publiſhed by others; he ſaid he made no application to a Magiſtrate, for indeed they very ſeldom could have juſtice; he was aſked if there were any riots in the town; he ſaid there were no riots till Mr. Wilkinſon and the Dragoons came; that, he explained by ſaying that the town were diſſatisfied about an incloſure which they wanted to get rid of, and when Mr. Wilkinſon and the Dragoons came and prevented them, that the people grew riotous; he ſaid he once applied for juſtice to Mr. Althorpe, a Magiſtrate, and he refuſed to liſten to his complaint; that, when explained, turned out to be a matter in which it was very likely the Magiſtrate did right; it was a quarrel at an alehouſe, and related to money which probably had been ſhaken out of his pocket, which it ſeemed as if he wanted to charge people with having ſtolen; he ſaid they approved of the Duke of Richmond's plan, and ſo much of Paine's work as fell in with it; parts of it he ſaid he thought they did not approve of, nor underſtand, and he thought Paine did not underſtand thoſe parts himſelf.

Mr. Gurnell then produced a paper found at Hardy's, which purports to be a letter from Daviſon, addreſſed to Citizen Hardy, propoſing to him that he would ſupply him with pikes upon a plan lately adopted at Sheffield, and incloſing a letter directed

directed to the Norwich Society, to be forwarded to them for the same purpose, making an offer of these pikes. Widdison says that Davison was a Printer. That letter to Hardy must be read. The letter for the Norwich Society, was in fact never sent, Hardy kept it by him till he was apprehended, and it is probable it was never opened.

[*Vide vol.* 1, *page* 337.]

Gentlemen, thus far it may be observed on the one side, that there seems to have been no great anxiety to make a full use of this offer from Sheffield, from the circumstance of the letter never having been sent to Norwich. On the other hand, the sending this letter to Hardy is very much against the pretence that these pikes were introduced merely for self-defence, because whatever necessity there might be for persons who were attacked and insulted at Sheffield, to procure themselves weapons of defence, in order to oppose any violence that might be offered to them; that originated there, it ended there, and it should have gone no further. But when there is industriously spread abroad by this Davison, an idea of "preparing patriots "in general, to act on the defensive, against any attack that may "be made by the newly armed minions." It rather looks as, if that attack was fought, and as if these arms were more of an offensive than of a defensive nature. At the same time it is proper to observe, that under all the circumstances, it seems to be pretty clear it was, at farthest, but an inception of a design to procure arms, for you see there were none, in fact, sent up, as far as appears from the evidence, to London, and a very few indeed prepared at Sheffield; the evidence, I think, does not go to more than a dozen and a half, or some such number; probably there might have been some more, but they do not seem to have been prepared in any very great numbers. What this circumstance, if a check had not taken place, might have led to, can only be matter of conjecture, they were very dangerous weapons, and it was a most fortunate thing for the Country that the discovery was made before there was any opportunity of making a bad use of such weapons. As it stands upon

upon the whole of the evidence, it is a circumſtance of ſome ſuſpicion, but I think it does not go the length, upon the evidence, of fairly connecting itſelf with the plan of this Convention, which is the material point to which it ſhould apply, in order to give it the full force which a preparation of arms would give.

Gentlemen, they then call for a paper found upon Thelwall, written by Martin, and proved by Evan Evans to have been in Martin's poſſeſſion, before the fourteenth of April; that is a material date becauſe upon the fourteenth of April, there were certain reſolutions paſſed at Chalk Farm, and this paper purports to be a paper of reſolutions, intended to be offered at the public meeting, that was to be held upon that fourteenth of April. Evans ſays that Martin read them over in his hearing; and deſired Pearce to take them to Chalk Farm, and return as ſoon as poſſible; he ſays Pearce did come back; that Martin mentioned his having written the reſolutions, and having put plenty of cayenne into them, and that if they would attend to him there would be warm work. As againſt Martin individually this goes a great way towards demonſtrating that he had in his mind, intentions of violence to be put in practice upon ſome occaſion or other, and from the nature of the reſolutions at Chalk Farm, and from the nature of the evidence reſpecting a Convention to be held under the circumſtances of that reſolution, and that former reſolution of the twentieth of January, undoubtedly it is evidence for your conſideration to ſhew that Martin contemplated force to be uſed upon the occaſion of that Convention. When I ſay it is evidence, I mean only to ſay, that it is proper to be ſubmitted to your conſideration, leaving you to make the inference how far it operates.

Evans was aſked whether he knew a Nicholas Gay, he ſaid no, the man he knew was a Richard Gay. Then he was aſked ſome queſtions about a perſon of the name of Gay, who travelled in Ruſſia, but he ſaid he knew nothing at all of any ſuch perſon, and nothing could be made of that examination.

The next evidence was to prove that this paper, thus found upon Thelwall, and another paper of the ſame import, were of Martiu's

tin's hand-writing. That paper was read in evidence, and will now be read to you. Undoubtedly it has a very bad and a very dangerous tendency.

[*Vide vol.* I, *page* 343.]

I will make but a ſingle obſervation upon this paper, and I wiſh, if I am right in what I feel in my own mind about it, that in this caſe, when Martin is not before you, it had not even been given in evidence; it is that when this paper is examined, it is very apparent that the Convention propoſed was not a Convention that had any thing to do with a Reform of Parliament. That is the ſingle obſervation that I will make upon it.

Gentlemen, the next piece of evidence was a paper produced by Lauzun, found at Hardy's, and which purports to be the proceedings of the London Correſponding Society at Chalk Farm. That paper muſt be read.

[*Vide vol.* I, *page* 343.]

Gentlemen, you ſee what the general import of this paper is —They call a very numerous meeting, which is held at Chalk Farm; they introduce their reſolutions with a letter of their own to another Society, called the Friends of the People, in which they recommend to that Society to concur with them in calling a Convention and ſending Delegates; they read the anſwer of that Society, declining to ſend Delegates to that Convention; they then purſue no further in that meeting the idea of Delegates to that Convention, but they proceed to paſs a ſtring of violent reſolutions. The fifth reſolution certainly is a very violent one, for you can hardly ſay that it is any thing ſhort of a direct affirmance—that the ſocial compact is diſſolved, and that the people are, therefore, driven to an immediate appeal to that incontrovertible maxim of eternal juſtice; that the ſafety of the people is the ſupreme, and in caſes of neceſſity the only law—which, in truth, is an appeal to force. What makes me ſay that it ſeems to be a direct affirmance, that the ſocial compact is diſſolved, is, becauſe it ſays—any attempt to violate

thoſe yet remaining laws which were intended for the ſecurity of Engliſhmen againſt the tyranny of Courts and Miniſters, and the corruption of dependent Judges by veſting in them—in ſuch Judges—a legiſlative or arbitrary power, ſuch as has been lately exerciſed by the Court of Juſticiary in Scotland, ought to be conſidered as diſſolving entirely the ſocial compact; then if it is affirmed, in this propoſition, that the Court of Juſticiary in Scotland has, by its manner of exerciſing its power, violated thoſe laws, it is very difficult, upon the ſtrict letter of the reſolution, to avoid ſaying that it is a direct affirmance; but ſuppoſing it to fall ſhort of a direct affirmance, ſee how near it goes to it, and how it leaves the moment, when this ſocial compact is to be taken to be entirely diſſolved, at the mercy of all thoſe who may at any time take upon themſelves to declare, that the ſocial compact is diſſolved, and conſequently the appeal is to be to force—any thing that could be more directly calculated to raiſe an immediate civil commotion in the Country, one can hardly imagine; what object men could have in publiſhing ſuch reſolutions, who had a peaceable meaſure in view, ſeems very incomprehenſible, and it is in that reſpect a very weighty evidence to the general deſign of thoſe who led that multitude of people to Chalk Farm.

Gentlemen, it ſhould be obſerved in juſtice to the priſoner, that the only evidence which does directly connect him with this, is the communication to the Conſtitutional Society, that a meeting was intended to be held. Now it does ſeem to me as if that fell very far ſhort of implicating him in theſe reſolutions, therefore they muſt be conſidered as the reſolutions of that aſſembly of people at Chalk Farm; it muſt be left for your conſideration, upon all the circumſtances of the caſe, whether reſolutions of that nature, entered into in that public manner, did in any ſort receive the aſſent of the priſoner, ſo as that you may from thence find yourſelves authoriſed to infer that he did concur, or participate, in opinions and reſolutions which go totally to deſtroy all pretence of holding a Convention in a peaceable manner, for the lawful purpoſe which is the general object that they all profeſs, namely, a Reform in the Commons Houſe of Parlia-

Parliament.

Gentlemen, they next read the proceedings of the Conſtitutional Society upon the ninth of May, 1794, when Mr. Horne Tooke was preſent; there was then read a pamphlet containing certain proceedings of the London Correſponding Society, and of this Society; two thouſand copies were ordered to be printed; one of theſe copies was found upon Adams; the pamphlet is produced, it contains the proceedings of the twenty-fifth and the twenty-eighth of March, of the Conſtitutional Society, and the proceedings of the twenty-ſeventh of March, of the London Correſponding Society, and the reſolutions of the twenty-eighth of March reſpecting Mr. Muir. And, if I take it right, theſe are the only material papers that this pamphlet contains, together with the toaſts at the dinner of the ſecond of May. With regard to thoſe proceedings of the two Societies, on the twenty-fifth and twenty-eighth of March of the one Society, and the twenty-ſeventh of March of the other Society, they ſeem to be no otherwiſe material than as this publication fixes upon the priſoner a full knowledge of the circumſtances that paſſed in his Society, and the other Society on thoſe days—further than that it does not ſeem to have any particular application. The toaſts may be read.

[*Vide vol* 1, *page* 344.]

Gentlemen, the next witneſs that is called is William Sharpe; he ſaid he was a member of the Conſtitutional Society, he became ſo two years and a half ago; it appears by the books that he was propoſed by Mr. Horne Tooke; he ſaid he attended at different times down to the month of May, 1794; he was at the meeting when a letter came from the London Correſponding Society; he remembers five gentlemen coming to meet ſome gentlemen appointed by the Conſtitutional Society to meet them; he, the witneſs, was one; he was propoſed by Mr. Horne Tooke; he does not remember being preſent at the report that was made by the Chairman of that Committee; he ſaid he knew nothing of a Committee of Correſpondence.

Upon his croſs-examination he ſaid he ſuppoſes he was no-

minated to ſome delegation by Mr. Horne Tooke, becauſe Mr. Tooke had a good opinion of him; that he has heard Mr. Horne Tooke ſay he would rather be governed by Saint James's than by Saint Giles's; that their intercourſe began by Mr. Horne Tooke wiſhing that his daughters might be taught by him the art of engraving. He was aſked as to Mr. Horne Tooke's manner of living; he ſaid Mr. Tooke kept a horſe, but he never knew him ride out more than once, and he walked out very ſeldom, perhaps not more than two or three times in a year; he ſaw little company, he generally ſpent his time in the morning in his garden, and in looking over old books, and in the evening at whiſt; he remembers a circumſtance of an anonymous letter coming to Mr. Tooke from Ireland, with a letter in it for Mr. Paine, which he put into the fire without opening; he remembered that on the fifteenth of May, dining with Mr. Tooke in Spital-ſquare, there was a letter ſuppoſed to have been intercepted, written by Mr. Joyce to Mr. Tooke; whether Mr. Tooke ever received any letter from Mr. Joyce, or ever anſwered one he cannot tell; he ſaid that the letter which was intercepted was ſuppoſed to relate to ſomething that Mr. Tooke was to do with the red book, and that the circumſtance was laughed at; that letter was produced, and it was read, it ſtates to Mr. Horne Tooke that Hardy had been taken up that morning, and his papers ſeized; then it concludes —"Is it poſſible to get ready by Thurſday;" it is ſuppoſed that theſe words were thought myſterious (the letter having been intercepted) and that apprehenſions were entertained that ſome miſchief was intended, and that, therefore, the Government took ſome precautions. It does not appear in evidence whether any ſuch precautions were taken, or no; but if they were, I think no man can impute blame, but, on the contrary, that our acknowledgements are due to Government for being ready to hold out that ſort of protection; and, undoubtedly, the exterior of all this buſineſs was ſuch as juſtified alarm, and made it neceſſary for Government to be upon their guard. I ſay the exterior of it, to diſtinguiſh it from the caſe now in judgment before you, which muſt depend upon the whole of the evidence

evidence taken together; this witneſs ſaid that he has gone to Wimbledon with Mr. Tooke, and particularly he remembers that during the buſineſs of the Scotch Convention Mr. Tooke uſed to go away early, becauſe he did not like that buſineſs; at other times he would often ſtay till ten at night; he ſaid he underſtood that theſe words—"Is it poſſible to get ready by "Thurſday"—alluded to Mr. Tooke's being ready with ſome extracts from the red book, of places and penſions, in Mr. Pitt's family, which he was to make; and he ſaid, that he thinks he ſaw ſome light horſe, ſomewhere about Spital Square, where they dined; one might obſerve, that this ſingle line, immediately following the account of Hardy's capture, certainly does not very well fall in with that turn that is given to it, and yet, at the ſame time, it may be, that it really ought to be ſo underſtood. He ſaid, that Mr. Tooke uſed to be deſirous of long adjournments; that he wiſhed to be much in his garden—he heard him expreſs a wiſh, that there was an act of Parliament to make it death for him to go out.

The witneſs ſaid, that at the dinner club there were viſitors admitted; and that there was nothing ſecret in the converſation there; that he knows nothing of the tranſactions of the Country Societies; that, for his part, he did not even read the proceedings of their own Society, and does not himſelf know who did; he ſaid there were frequent debates in the Society; but there were no Secret Committees; that ſometimes they uſed to joke about their correſpondents, when, in truth, they had no correſpondents; and that there were Committees of Correſpondence named, but he does not know that they ever met. He ſaid Mr. Horne Tooke was againſt Univerſal Suffrage; and always ſpoke for the Conſtitution, as compoſed of King, Lords, and Commons; he ſaid he received a letter from the Country, in conſequence of Mr. Horne Tooke's appearing not warm in the buſineſs of the Scotch Convention, to know whether Mr. Horne Tooke had not been penſioned by the Court; and whether he had not deſerted the cauſe of Liberty; he ſaid, he remembers Mr. Tooke, in converſation, diſtinguiſhing between aſſiſting a man to do a thing, and aſſiſting him after he had done a thing,

which thing he happened to diſlike; he ſaid, that Mr. Tooke had generally company on a Sunday; that they uſed to come between two and four, and go away about eight; that they had an open and general converſation; he does not remember that any dangerous converſation ever paſſed; he ſaid, he has often heard Mr. Tooke ſay, if there was to be any trouble, he himſelf ſhould be the firſt victim, becauſe he oppoſed all miſchievous characters; and would do ſo, if he was execrated by all the world; for he would do what he thought it was his duty to do.

He ſaid, that upon the ſecond of May, 1794, he dined at the anniverſary dinner of the Conſtitutional Society; that there was converſation about Mr. Horne Tooke; it was ſaid, that Mr. Tooke had made an ariſtocratic ſpeech; he ſaid, it was a very eaſy thing to get admittance into this Society; very few were rejected; he thought Mr. Tooke too careleſs about the buſineſs of the Society; he ſaid, he thought his profeſſions as to a Reform in the Houſe of Commons were his real ſentiments; he thought, that if things were brought back to the ſtate they were in, at the Revolution, every thing would be right; he ſaid, that he (the witneſs) was taken into cuſtody on a warrant for treaſonable practices; he thought the ſole object of the Conſtitutional Society was Parliamentary Reform; he has no reaſon to ſuſpect they meant to uſe force, and that force was never the ſubject of their converſation. He ſaid, that Mr. Horne Tooke was not of the Committee of Correſpondence, or Co-operation; he does not remember any of the aſſociated members attending; he does not know whether the hundred thouſand copies that they talked of printing, were ever printed, or any of them; he never heard Mr. Tooke conſent to any attack upon an eſtabliſhment, civil or religious; but he always defended them; he ſaid, he had no object but a Reform in the Houſe of Commons. Mr. Tooke aſked whether he was a bigot; Mr. Sharpe might have anſwered that queſtion with the decency with which it was put; but he anſwered it roughly and abruptly, that he thought he had no religion at all; he ſaid, that they uſed to ſubſcribe a guinea a-year; and that he did not conſider himſelf as anſwerable for what other perſons might do, beyond the particular engagement

gagement of his guinea, and beyond what he ſhould perſonally conſent to.

They then called Chriſtopher Hull, who ſaid he was a member of the Conſtitutional Society, and had been ſo from 1791; he recollected hardly any thing, and therefore he was very ſoon diſmiſſed; he ſaid, he recollected Mr. Joyce being in the chair, at a dinner; but he remembered nothing of any report being made or read.

They then produced a paper found at Hardy's, which was the report of the Committee of the Conſtitutional and the London Correſponding Societies; that paper has been read; and, I ſuppoſe, it only tends to confirm the truth of theſe people having met, and having made that report.

They then called for another paper found upon Hardy; which purports to be the appointment of a Mr. Vaughan to be a Delegate, and to aſſiſt the Committee of Conſtitution, in April, 1792: as far as I can underſtand, at the time that the eſtabliſhment of the London Correſponding Society took place, they did not immediately frame their Conſtitution; and that this Mr. Vaughan was deſired to take a part in the framing of that Conſtitution.

They then produced a letter of Thomas Paine to the people of France; which appears to have been publiſhed, and diſtributed gratis, by the London Correſponding Society; two hundred copies of that paper appear to have been ſent, by the London Correſponding Society, to the Conſtitutional Society. That paper was read; and here the evidence, on the part of the proſecution, cloſed. That paper muſt be read.

[*Vide vol.* I. *page* 361.]

Gentlemen, the firſt witneſs, who was called on the part of Mr. Horne Tooke, was Major Cartwright; he ſaid he was a member of the Society for Conſtitutional Information, from its firſt inſtitution; that Doctor Brocklesby, a Doctor Jebb, and a Mr. Loft, were among the earlieſt members; their object was, to give to the public conſtitutional information; and particularly to promote a recovery of what they conceived their

loſt rights—meaning the rights of repreſentation in the Houſe of Commons; he ſaid he never entertained an idea that the objects of the Society were changed; that, for the laſt two years, it was in his power to attend, ſcarcely at all; he was many years in the habit of attending; he never perceived any change of general ſentiments; in the outſet, they were in favour of Univerſal Suffrage, and Annual Parliaments; that the Society was inſtituted before the Duke of Richmond's plan; but the Duke's conduct met with the approbation of the Society; that the Duke of Richmond's letter to Colonel Sharman was circulated by the Society; and that the plan, ſtated in that letter, received their approbation; he underſtands the Duke of Richmond's bill, and his plan, in the letter to Colonel Sharman, to be that which their approbation went to; he had many converſations with him upon the ſubject; he cannot pretend to ſay, that it was the ſole object of the Society to act upon the Duke of Richmond's plan; the ſole object was a radical Reform in the Houſe of Commons; but there was a conſiderable difference of opinion; that many would have been glad of obtaining conſiderably leſs than that; he ſaid if he had perceived there had been any perſons who were not friends to the King's government, he would have remained in the Society, but it ſhould have been for the purpoſe of removing ſuch members; he never heard of ſuch an idea, in the Society; that no man had ever ſtarted ſuch an idea; that no motion had been made of that kind.

The witneſs ſaid, he had known the priſoner intimately ſixteen years; that he always appeared, from his public conduct, and private converſations, to be a ſteady, firm, and inflexible friend to a Reform in the Houſe of Commons; he does not know that Mr. Horne Tooke has particular objections to the Duke of Richmond's plan, but he did not entirely concur with it; that, of all the men he ever knew, he was the ſteadieſt, and moſt invariable in his ſentiments; that he never heard any thing fall from him, diſreſpectful to the office of royalty; but quite the reverſe; he ſaid, that at times, when other opinions were put abroad, he always found Mr. Tooke hold, that the regal, and ariſtocratical branches of our Conſtitution, were excellent

cellent in themſelves; and that, if a Reform in the other branches of the Conſtitution could be obtained, that our Conſtitution would, in his opinion, be the moſt perfect of any upon earth; he ſays, this is the impreſſion on his mind, of all his converſation; that he has not ſeen Mr. Tooke, ſince the ſpring of 1792; that down to that time he had obſerved no variation in his opinion. He ſaid, he recollects an illuſtration of Mr. Tooke's, which ſhews that his objects did not go thoſe lengths which Mr. Paine's did; he was ſpeaking of perſons travelling in a ſtage coach, and getting out at different places; he ſaid, when I find myſelf at Hounſlow, I get out; others may go further.

He ſaid Mr. Tooke did not write the letter to the Society of the Friends of the People, which was anſwered upon the ſixteenth of May, 1792; the witneſs himſelf ſubſcribed it as Chairman, and conſented to its being ſent; that it was written as a ſerious, friendly, and ſolemn warning to a new Society, compoſed, in a conſiderable degree, of members of Parliament, to guard againſt their departure from principles once profeſſed friendly to the Conſtitution; and it was the reſult of general obſervation, that ſuch had been the practice; that they meant only a reform in the Houſe of Commons, and nothing was ſtated of going beyond that; he ſaid he was alſo a member of the new Society, that is the Society of the Friends of the People, and continues ſo; he ſaid they knew he was a member of the Conſtitutional Society; he believes there might be other perſons members of both Societies, and he inſtances Doctor Towers, as a member of both theſe Societies; he ſaid, that ſo far from a deſign againſt the Conſtitution, the object of the Society was to ſupport the Conſtitution, and reſtore it to its true principles; that he never heard any moving towards force, arms, or violence; nor has he any reaſon to think any ſuch thing was in agitation; he ſaid he himſelf was conſidered as the father and founder of this Society; he ſaid Mr. Horne Tooke never profeſſed himſelf to be a friend or a favourer of Univerſal Suffrage; that Mr. Tooke diſputed with him his axiom; Mr. Tooke ſuppoſed that he built upon Locke, he obſerved, his dogma would not bear him out in the concluſion he drew from it; he appeared to conceive both

Locke

Locke and the witneſs to be miſtaken; he ſaid the propoſition was, that every man had a right to ſhare in the Government. He mentioned the circumſtance of an engraving, with propoſitions upon it ſupporting Univerſal Suffrage being publiſhed; he ſaid Mr. Horne Tooke by no means approved of great part of Paine's writings; that other parts appeared to him to be very beneficial to this nation, and to others; he ſaid he approved of Locke only in part, and that he never praiſed pure democracy, and he has heard him conteſt the point with thoſe who did.

Upon his croſs-examination he ſaid, that the twenty-fifth of May, 1792, was the laſt time he attended the Society; that he had not ſeen Mr. Tooke ſince he left town; he was preſent when the addreſs to the Jacobins was voted; that he was not a party to the other addreſſes ſent to France; that the ſubject of a Convention was not agitated while he was a member; he ſaid he does not remember any converſation about the vipers Ariſtocracy and Monarchy, but he ſaid, if it was applied to a Government where they were vipers, he ſhould have thought the term well applied; he ſaid, in ſo large a Society as the Society of the Friends of the People, the letter ſent to them might be differently underſtood; he thinks their letter in anſwer was carried but by one caſting voice; there was an allufion to Paine's plans of public benefit being carried into execution; that relates to the Conſtitutional Society approving the reſolutions from Mancheſter, propoſed in thoſe terms; there was no explanation by the Society for Conſtitutional Information, but there were private explanations by himſelf and others; he does not remember that ever he ſaw a letter from the Sheffield Society upon the ſubject of the difference between the two Societies; he ſaid, that he has ſome recollection of ſome aſſociated members from Sheffield; that he does not recollect any of their names; that they were not at all afraid of ſtrangers; he ſaid he does not recollect any letter reſpecting that aſſociation; he does not recollect a reſolution ſigned "Thomas Hardy," in the hand-writing of Mr. Horne Tooke; he does not know that the priſoner had been conſulted about the Conſtitution of the London Correſponding Society; he ſaid he recollects the declaration coming from the Borough Society,

Society, and that it might be introduced with words uſed by the National Convention; that as to the thanks of their Society, if they were given, they are in the book; he thinks Mr. Paine was an honorary member, and attended pretty much while he was in England. The witneſs ſaid he meant to go to the obtaining of a Reform in the Houſe of Commons; he was not governed by any man, and ſhould be glad of the aſſiſtance of any man to procure it; he ſaid, that the part of Paine's works which was proſecuted, was that againſt Monarchy; that Paine offered the profits of the work to the Society, eſtimating it at a thouſand pounds; he does not recollect being in the chair when they determined to ſupport Paine, but if it is ſtated ſo in the books, it muſt have been ſo; probably it was not then known what part would be proſecuted; he ſaid he did not conſider Paine's writings as a conſpiracy to overturn the Government, but, as diſcuſſions on the ſubject of Government; that if he had thought there had been any conſpirators in the Society, he would have aſſiſted to bring them to juſtice; he ſaid he thinks he recommended Mr. Horne Tooke to the Society, and he admits that he had heard he had been convicted of a libel. This was the evidence of Major Cartwright.

Gentlemen, they then propoſed to read the Duke of Richmond's plan, expreſsly referred to in the conſtitution of the London Correſponding Society, and it was accordingly read; and thoſe parts, which Mr. Horne Tooke and his counſel wiſh to have read, may now be read.

Mr. Erſkine. My Lord, we dont deſire it; I dare ſay it is in the recollection of the Jury.

Lord Chief Juſtice Eyre. I underſtand the effect of the Duke of Richmond's plan to be for Univerſal Suffrage, and Annual Elections; that all perſons of age, not incapacitated by crimes, and ſo on, ſhould vote; that the number of members of the Houſe of Commons ſhould not be encreaſed; but that voters ſhould be divided by five hundred and fifty-eight; there therefore would be a certain number of perſons to vote for each member; that they were to vote in diſtricts upon one and the ſame day all over the Kingdom; and this, it was thought, would

prevent

prevent all the confuſion and expence attending elections, as no voters would be to go from their own houſes. I take this to be the ſubſtance of the Duke of Richmond's plan.

They then propoſed to read a letter from Mr. Horne Tooke to Lord Aſhburton, and after a debate upon its admiſſibility, it was ordered to be read; it is dated the tenth of May, 1782. This letter proves, that Mr. Horne Tooke's opinion for a Reform in Parliament, was ſhort of Univerſal Suffrage; it ſhews an attachment to the perſon of the King, and a diſpoſition to ſupport the Ariſtocracy of the Kingdom, with a proper caution that they were not to break in upon the dignity of the Crown; in the concluſion it ſtates, that there were very little hopes of ſuch a plan as he wiſhed might ſucceed being carried into execution; that the voice of the people had been heard but once in the Houſe of Commons, and it was not likely to be heard again. The concluding part of the letter is not material, as it ſtruck me, on behalf of Mr. Tooke; but if he wiſhes to have the whole of it read, it ſhall be read to you.

Mr. Tooke. I ſhall be willing to paſs over all that has been read on my ſide, and truſt to the Jury's recollection. I ſhall be glad to ſave your Lordſhip and the Jury time.

Lord Chief Juſtice Eyre. I have given a ſhort ſummary of it, but, if you have the leaſt wiſh upon the ſubject, it ſhall be read.

Mr. Erſkine. Your Lordſhip has done it moſt correctly, and we are perfectly ſatisfied.

Lord Chief Juſtice Eyre. Mr. Tooke then offered a paper, containing the names of perſons who entered into an aſſociation, but it could not be received as evidence.

Major Cartwright deſired to explain an expreſſion he had made uſe of, with regard to uſing every thing that offered for promoting the object of a Parliamentary Reform; he ſaid, he means, provided they were purſuing a courſe that was legal and conſtitutional, he would join them.

They then called Mr. Fox; Mr. Fox ſaid he ſaw Mr. Tooke, at the Thatched Houſe Tavern, about the year 1785; that was a meet-

a meeting of all the friends to Reform of Parliament, convened by Mr. Wyvill, after Mr. Pitt's motion; that the object was to gain a direct approbation to Mr. Pitt's ſpecific plan; how the motion was framed, he does not take upon himſelf to ſay; but to the beſt of his recollection Mr. Horne Tooke ſupported the motion; that ſeveral others, and himſelf for one, objected to the motion; the plan, as he recollected it, was a general propoſition, that if any boroughs were propoſed to be ſold, that their right of ſending members to Parliament ſhould be purchaſed by the public, and, in lieu of thoſe members, others were to be elected by the freeholders of the counties at large, or diſtricts of counties.

Mr. Francis is then called; he ſaid he is a member of the Society of the Friends of the People; he ſaid he had drawn up a plan of Reform, which he meant to ſubmit to that Society; that, in the courſe of the ſummer of 1793, he ſaw Mr. Tooke, and having known him a long time, though but ſlightly, and believing him to be a ſtrenuous advocate for a Reform, and very learned upon the ſubject, he aſked him to examine his plan, and to ſet him right as to any of the authorities as to the ancient laws and cuſtoms to which he had referred, which Mr. Tooke undertook to do; he ſaid he did not mean to diſcuſs the principles of the plan with Mr. Tooke, for as to that he was ſatisfied; he ſaid Mr. Tooke made ſome obſervations, which he received, and altered his plan in ſome particulars, according to thoſe obſervations; it appeared to him that Mr. Tooke approved of it much in general; he ſaid his plan went to a Reform in the Commons Houſe of Parliament; he did not think that he diſagreed with Mr. Horne Tooke upon any of the principles of the Conſtitution; he thinks Mr. Tooke told him that he had refuſed to be a Delegate to the Scotch Convention, and that Mr. Tooke ſaid he was in bad repute with the popular Societies, on that account.

Mr. Francis ſaid, that Margarot and Hardy called on him, and requeſted him to preſent a petition from the London Correſponding Society to the Houſe of Commons; he did not know that they were aſſociated Members with the Conſtitutional Society; he ſaid he is a member of the Society of the Friends of

the People; Lord John Ruſſel is a member, and he is ſure that that anſwer to the letter of the Conſtitutional Society was carried by much more than a caſting vote; he ſaid he knows there are ſome perſons who are members of both Societies.

The Duke of Richmond was then called; he ſaid he ſaw Mr. Tooke with Doctor Brockelſby, at the Ordnance Office; it was with difficulty he recollected any thing that paſſed upon that occaſion, but he does recollect meeting Mr. Horne Tooke on ſome occaſion, he believes at the Quintuple Alliance at the London or the Thatched Houſe Tavern; and he has met Mr. Tooke at ſeveral other times; he himſelf was a member of the Conſtitutional Society, ſome years ago; he never heard Mr. Tooke ſay any thing againſt the King, Lords, or the Conſtitution of the Country: he went on to ſtate ſome other circumſtances relative to the Thatched Houſe Tavern, but he did not recollect enough to bring the matter home as evidence, and therefore that part of the evidence, I ſee, I have ſtruck my pen through.

Mr. Pitt was then called; he ſaid, a paper which was ſhewn him is of his hand-writing, but that paper could not be received as evidence; he was aſked who it was written to, he ſays probably to ſome Chairman of a Weſtminſter Committee; he ſaid he recollects a meeting at the Thatched Houſe, about the middle of May, 1782, after his firſt motion in the Houſe of Commons, in relation to a Parliamentary Reform; he thinks Mr. Horne Tooke was preſent; that the ſenſe of the meeting was to uſe means to recommend a petition to Parliament, in order to procure a Reform; he ſaid that there was no ſuch idea as a Convention of the People by affiliated Societies; he did not conſider that as a meeting of perſons authorized to act for any but for themſelves; he ſaid he does not recollect any petition having been objected to in the Houſe of Commons, as coming from perſons in a delegated capacity; he does not know but that ſome of the perſons preſent at the Thatched Houſe might be deputed by others, but he does not know how they were conſtituted.

Mr. Sheridan was then called: he ſaid he knows Mr. Horne Tooke; that he met him at ſeveral meetings, held for the purpoſe of obtaining a Parliamentary Reform; that he met him at different

different aſſociations in the year 1780; he thinks he ſaw him at a Meeting, or Convention of Delegates, from different counties and towns, aſſembled to promote the object of a Parliamentary Reform, and to act for thoſe who deputed them; that he, Mr. Sheridan, was Delegate from Weſtminſter, with five or ſix other gentlemen, to act with the other Delegates from other aſſociations, and to promote the object of Parliamentary Reform by legal and conſtitutional means, ſo far to intereſt and engage the public mind in that object, that the influence of the public opinion might ſo far operate upon the Houſe of Commons as that they might ultimately gain their object, without which influence there were no hopes of ſucceſs from the Houſe of Commons; that they confided the means of doing this to the Delegates entirely; that in all their papers and reſolutions they ſtated themſelves to be Delegates, acting for other people; he ſays that no perſon could belong to thoſe meetings without knowing that it was ſo, becauſe ſuch a perſon muſt have been himſelf appointed by others; he ſays he recollects no inſtance of Mr. Horne Tooke's diſſenting from the propoſitions that were then made; he does not know whether Mr. Tooke was a Delegate; there were Yorkſhire and Devonſhire Delegates; that they conſidered themſelves as delegated generally to uſe the ſtrongeſt legal means to obtain their object; he ſays that it was thought that petitions, unleſs they came from the whole body of the people, were frivolous and uſeleſs, and they conceived that they ſhould have Delegates in larger meetings from all parts of the Kingdom; they did not mean to operate upon the Houſe of Commons by force or violence, but by that degree of awe and reſpect which they conceived the Houſe of Commons were bound to pay, and muſt pay, to the ſenſe of the people at large when collected.

He ſaid he recollects a meeting to celebrate the eſtabliſhment of liberty in France, in the year 1790. Upon that occaſion he moved a reſolution, drawn up the day before by the Whig Club. Mr. Horne Tooke, he ſays, made no objection to his motion, but propoſed an amendment. Mr. Tooke ſtated, that an unqualified approbation of the French Revolution, in the terms

moved, might produce an ill effect out of doors, a diſpoſition to a revolution in this Country, or, at leaſt, be miſrepreſented to have that object; he adverted to the circumſtance of their having all of them National cockades in their hats; he propoſed to add ſome qualifying expreſſion to the approbation of the French Revolution, a declaration of attachment to the principles of our own Conſtitution; he ſaid Mr. Tooke ſpoke in a figurative manner of the former Government of France; he deſcribed it as a veſſel ſo foul and decayed, that no repair could ſave it from deſtruction; that, in contraſting our ſtate with that, he ſaid, thank God the main timbers of our Conſtitution are ſound; he had before obſerved, however, that ſome reforms might be neceſſary; he ſaid that ſentiment was received with great diſapprobation, and with very rude interruption, inſomuch that Lord Stanhope, who was in the chair, interfered; he ſaid it had happened to him, in many public meetings, to differ with and oppoſe the priſoner, and that he has frequently ſeen him received with very conſiderable marks of diſapprobation, but he never ſaw them much affect him; he ſaid, that he himſelf objected to Mr. Tooke's amendment; he thinks he withdrew his amendment, and moved it as a ſeparate motion; he ſaid it was then carried as unanimouſly as his own motion had been; that original motion, and ſeparate motion, are in theſe words—" That this meeting does " moſt cordially rejoice in the eſtabliſhment and confirmation of " liberty in France; and it beholds, with peculiar ſatisfaction, " the ſentiments of amity and good will, which appear to pervade " the people of that Country towards this Kingdom, eſpecially " at a time when it is the manifeſt intereſt of both States, that " nothing ſhould interrupt the harmony which at preſent ſubſiſts " between them, and which is ſo eſſentially neceſſary to the free- " dom and happineſs, not only of the French Nation, but of all " mankind." Mr. Tooke wiſhed to add to his motion ſome qualifying clauſe, to guard againſt miſunderſtanding and miſrepreſentation; that there was a wide difference between England and France; that in France the veſſel was ſo foul and decayed, that no repair could ſave it from deſtruction; whereas, in England, we had a noble and a ſtately veſſel, ſailing proudly on the

boſom

boſom of the ocean; that her main timbers were ſound, though it was true, after ſo long a courſe of years, ſhe might want ſome repairs. Mr. Tooke's motion was—"That we feel equal ſa-"tisfaction that the ſubjects of England, by the virtuous exer-"tions of their anceſtors, have not ſo arduous a taſk to perform "as the French have had, but have only to maintain and im-"prove the Conſtitution which their anceſtors have tranſmitted "to them:" this was carried unanimouſly.

Upon his croſs-examination Mr. Sheridan ſaid, that this meeting was upon the 14th of July, 1790; that in 1791 there was a meeting, but he happened not to be preſent; that at the meeting in 1790, they hiſſed and interrupted Mr. Tooke, condemning, as he thought, the moderation of his principles; he ſaid there was a meeting of Delegates, in 1780, he does not recollect the meetings in 1782; he ſaid that the meeting in 1790 was ſoon after the election for Weſtminſter; that there was nothing cordial in the members of the Whig Club, who attended, towards Mr. Tooke; that there was a meeting of Delegates ſomewhere in King-ſtreet; he cannot ſay how many meetings there were, nor for what places they attended; and he ſays that afterwards, he thinks, there was a meeting in Guildhall; he ſaid that he forgets the nature of the meeting at the Thatched Houſe, or who were preſent; that there was a meeting afterwards at the Duke of Richmond's, when it was propoſed that Mr. Pitt ſhould be requeſted to move a Reform in Parliament, in the Houſe of Commons.

Mr. Pitt afterwards ſaid that he ſpoke of the meeting at the Thatched Houſe only, when he ſaid, that the perſons who met there, met for themſelves; that he was at the meeting at the Duke of Richmond's, at which there were many members of Parliament, and ſome who were not members of Parliament, and who might have been delegated from the counties and towns.

Lord Stanhope was then called; he ſaid he was in the chair at the meeting held on the fourteenth day of July, in the year 1790, one year after the Baſtille had been pulled down; that they met to celebrate that glorious event; he ſaid that there were ſeveral hundred perſons there, of a very reſpectable deſcription; that the priſoner was there; he ſaid that Mr. She-

ridan alſo was preſent; that Mr. Sheridan's health was drank, and then Mr. Sheridan made his motion; that Mr. Horne Tooke ſaid he was not uſed to flatter men, upon that he was hiſſed; that he ſpoke, at the meeting, of the danger of being miſunderſtood, and propoſed to add ſomething about our own Conſtitution; that he recollects he made uſe of the expreſſion, that our timbers were ſound; he was very much hiſſed and hooted, and it was with difficulty he procured him a hearing; they were unwilling to mix Mr. Tooke's ſentiments with Mr. Sheridan's, and therefore Mr. Tooke's motion was made ſeparately, and was carried; he ſaid, at that time, the Conſtitution of 1789 had been eſtabliſhed, but that it was not perfected till 1791; many of that deſcription of people, whom he knew as Foxites, were there, and that they hiſſed Mr. Horne Tooke; he ſaid he is perſuaded nobody there had any intention againſt the Government; he ſpoke of his being in the Houſe of Commons in 1785, he came in at the general election in 1780; he attended many meetings for the Reform of Parliament; he ſaw Mr. Horne Tooke at ſeveral; he is perfectly clear he ſaw him at the Thatched Houſe in 1782, a ſhort time after Mr. Pitt's firſt motion was negatived; he ſaid that was a motion to go into a Committee, the ſecond motion was more particular, and his third motion, in the year 1785, was to advance a million ſterling, to buy up the burgage tenure boroughs; he ſaid he was at the Thatched Houſe with Mr. Pitt, Mr. Wyvill, and the Duke of Richmond; he is poſitive to his being at the meeting in 1785, and he thinks he was there in 1782; he ſaid the object of the meeting was a recommendation to the people to meet during the ſummer, for the purpoſe of enforcing, by legal means, a Parliamentary Reform; he ſaid he is ſure Mr. Tooke was preſent at the meeting in 1785, the Duke of Norfolk, then Lord Surry, was in the chair; that Mr. Wyvill brought that meeting together; he ſaid that Mr. Wyvill was a warm friend of Mr. Pitt's laſt plan; that an account of this plan was written, for the meeting, by Mr. Wyvill, and Mr. Wyvill moved for a ſpecific approbation of that plan; that Mr. Fox objected to it, Mr. Tooke was for it, and debated for it; that he has never

been in habits, with Mr. Tooke, in private life; that there was a meeting of Delegates in 1780 and 1781.

Mr. Wyvill ſaid he was at the meeting in 1785; that it was called, chiefly at his deſire, with a view to obtain a reſolution approving of Mr. Pitt's plan, in hopes to unite the friends of Parliamentary Reform, that they might make another application with united ſupport; he hoped for greater effect from united ſupport, than from diſunited; he ſaid Mr. Tooke was there; that there was no propoſition to thank Mr. Pitt, the propoſition was to declare that Mr. Pitt's propoſed Reform would be a ſubſtantial improvement of the Conſtitution; he ſaid that was negatived; he ſaid Mr. Tooke ſpoke in favour of it, and voted in favour of it; he believed Mr. Tooke was preſent at the Thatched Houſe, in 1782; that the object was to endeavour to animate the people to meet in reſpective diſtricts, to petition Parliament for a Reform, and it was carried unanimouſly; he ſaid that the reſolutions were in writing.

Mr. Macnamara was then called; he ſaid he attended the Conſtitutional Club in 1788, which is a Club that was inſtituted by the friends of Lord Hood, to ſecure the freedom of election for the city of Weſtminſter; they met at the Thatched Houſe; that it was eſtabliſhed on Lord Townſhend oppoſing Lord Hood's re-election; there were reſolutions propoſed there by Mr. Tooke, which were conſtitutional and loyal, ſuch as became a well wiſher to the King and Government of the Country; he ſaid they were diſtinguiſhed by an uniform, a blue coat, with an orange coloured cape, the button had upon it, "King and Con-"ſtitution;" Mr. Tooke was a member of the Club, and one of the original founders; Mr. Roſe alſo wore the uniform; Mr. Pitt, Lord Frederick Campbell, Mr. Fielding, and a great number of other perſons; that from that time he got into habits of intimacy with Mr. Tooke, and he thinks he never met any gentleman, in a public or private character, who underſtood the Conſtitution of the Country better than Mr. Tooke; he believes no man ever exiſted that wiſhed better to the Conſtitution of the Country, in King, Lords, and Commons.

Mr. Macnamara ſaid he went abroad in 1789, and ſtaid till

the middle of laſt June; that he was at Paris at the latter end of October, or the beginning of November, 1789; he got as far as Tours, and returned; he ſaid that for ten months before the third of Auguſt, 1792, he was at Paris; upon the third of Auguſt he left Paris, and went to Switzerland, and from thence into Italy; he ſaid he had frequent opportunities of converſing with Mr. Tooke; that he never received ſo much information from any man, nor did he know any one more loyal, or more attached to the Conſtitution, but that yet he was determined upon a Reform of Parliament; he ſaid that the Government of France was in a wretched and deplorable ſtate, before the time he ſpeaks of; that there were many executions ſhocking to humanity; that he was in Paris at the latter end of October, and the beginning of November, 1789, and the brutalities he ſaw were ſhocking to humanity.

Mr. Fielding was then called; he ſaid he belonged to the Club mentioned by the laſt witneſs, being Counſel for Lord Hood; that he wore a blue coat, with an orange cape, and he ſeveral times ſaw the priſoner there, and that he was frequently of parties, which he attended as Counſel; he remembers Mr. Tooke being there upon the fifth of November, 1788.

Lord Frederick Campbell was the next witneſs; he remembers that he dined at Willis's, upon the fifth of November, 1788, and that Mr. Tooke moved ſome reſolutions, but he cannot recollect the import of them; he recollects being diſpleaſed, becauſe they were moved without his knowledge, and he ſpoke rather ſharply to Mr. Tooke; he was aſked by Mr. Tooke, whether he, Mr. Tooke, had not anſwered him ſoftly, he ſaid he does not remember his anſwering him ſoftly; he ſaid ſome reſolutions came from the Whig Club, and the Revolution Society.

Lord Camden ſaid he was at this meeting; he ſat near Lord Frederick Campbell; a letter came from the Whig Club; he recollects Mr. Tooke's propoſing ſome reſolutions, and he believes they were unanimouſly carried; he thinks Lord Frederick Campbell expreſſed ſome diſpleaſure at not being informed of the reſolutions before they were moved; he ſaid he thinks the

reſolutions were expreſſive of loyalty to the King; he is perfectly certain that nothing was ſaid againſt the King, but the turn of the reſolutions, he thought, were very reſpectful, profeſſing attachment to the King; he ſaid he has had no intercourſe with Mr. Tooke ſince the year 1788.

Mr. Beaufoy was then called; he ſaid he was at a meeting at Willis's, of the friends of Lord Hood; he did not wear the uniform, but he remembers dining there; Lord Hood was in the chair; he ſaid when the letter came from the Whig Club he, the witneſs, addreſſed the meeting on the ſubject of the Revolution; that he was applied to by the Revolution Society to move for a Bill in Parliament, for a ſolemn celebration of the anniverſary of the Revolution; he recollects Mr. Tooke communicated ſome reſolutions to him; he ſaid, from his very imperfect recollection, they might be ſuch as were read. This gentleman underwent a croſs-examination, but nothing aroſe out of it, and therefore I do not ſtate it.

Thomas Symonds, a ſtudent of the Inner Temple, ſaid he has been a member of the Conſtitutional Society for two or three years; he is acquainted with Mr. Tooke; he has ſeen him at his own houſe, and other places; he ſometimes attended the meetings of the Society; that their object was a Reform in the Houſe of Commons; he ſaid, upon an average, fourteen or fifteen perſons attended; that the original object was never departed from, and that every act of theirs, taken with the circumſtances, tended to that ſole object; he ſaid nothing led him to ſuſpect any change of ſentiment; he frequently ſaw the priſoner there; that all his expreſſions went ſolely to a Parliamentary Reform, and that he was ſtrictly in favour of the ancient ariſtocracy; he ſaid that the Society had the ſame object; he did not attend during the Convention at Edinburgh, on account of his ill health; he ſaid he did not know the characters of either of the Delegates, and did not know enough of them to wiſh them to go, and he thought it might be miſtaken by the public; he ſaid he had no reaſon to believe that any thing criminal was intended; he remembers a Delegate, coming from the London Correſponding Society, who propoſed a Convention;

he thinks he was in the chair; the object was to propoſe a general concurrence, to obtain a Parliamentary Reform; he ſaid if there had been any idea of a conſpiracy to ſubvert the Government, he thinks he muſt have known it; he had no ſuſpicion of any ſuch thing, nor has he any reaſon now to ſuſpect any ſuch thing was meant; he ſaid he was preſent at the report of the joint conference on the eleventh of April, it was reſolved by the Committee, "That it appeared deſirable that a General Meeting, or Convention of the Friends of Liberty, ſhould be called," but the Society reſolved to leave out the word Convention; there was ſome debate about the word; that he was the firſt to oppoſe it, becauſe it might miſlead the public mind to think they had ſome other object in view; he ſaid he had not the ſlighteſt reaſon to ſuſpect that they were doing any thing wrong, there was ſome little diſcuſſion, and it was argued that there was no material difference, at laſt it was agreed that that word ſhould be omitted; he ſaid a fair repreſentation of the people, in their ſenſe, did not go to the length of Univerſal Suffrage; he has fifty times heard Mr. Tooke ſpeak with reprobation of Univerſal Suffrage; that he never heard any propoſition or debate that touched the King, or the hereditary office of the Houſe of Lords, but ſolely towards obtaining Parliamentary Reform; that there never was the ſlighteſt idea of obtaining by unconſtitutional means, or force, any Reform in Parliament; he never heard an idea of arms; he ſaid he never heard any idea of putting down our liberties, in order to emulate the French; he knows nothing of the meetings of the Committees; he ſaid that he had frequent converſations with Mr. Joyce, he always found his opinions quite moderate, oppoſed to the violence that was in other peoples minds; he ſaid that Mr. Sharpe was almoſt conſtantly at dinner there; that his object was the ſame as theirs; that as to Mr. Bonney, he never knew a more moderate, quiet man in his life; that he knew Mr. Pearſon but ſlightly; that he had no reaſon to believe that he had any deſign to overturn the Government; that he ſaw Mr. Wardle but two or three times; that their object was Parliamentary Reform, and that they purſued that object up to the eleventh of April, 1794,

and

and if there had been any thing criminal he muſt have known it.

He ſaid, upon his croſs-examination, that he was choſen a member of this Society in June, 1792; that he was propoſed by Mr. Joyce; that he never had heard of Mr. Joyce being preſent at the National Convention when the Addreſs was preſented; he never heard of a drawing pointing out the way to Hell by Hanover; he ſaid he did not know that there were any proceedings of the London Correſponding Society, in the name of Hardy, in the hand-writing of Mr. Tooke; that he never ſaw the letter which was ſent to Norwich upon the ſixteenth of April; he ſaid if they had propoſed to ſet aſide the authority of the King, and the Houſe of Lords, he would not have ſtaid in the Society, or conſented to it; he thinks he was ill at the time of the Addreſs of the London Correſponding Society to the National Convention; he ſaid he did not know that Hardy had written to Mr. Tooke, or that Mr. Tooke corrected the Conſtitution of the London Correſponding Society, or that Margarot had written to him about it; he ſaid that if the Addreſs had been confined to France, he thought they ſhould have uſed ſtronger language than they would have done reſpecting England; he ſays he does not recollect any letter from the Society in which there were theſe expreſſions, "the vipers "Monarchy and Ariſtocracy;" he did not know that the words, "ſucceſs" and "its efforts" were in the priſoner's hand-writing; he ſaid he never knew that Froſt had ſaid that he hoped France might ſoon felicitate a National Convention in England; that he never heard of the Preſident's anſwer, but that he ſhould have thanked Mr. Froſt for executing his commiſſion; he ſaid he has no recollection of the Addreſs upon the ſixth of Auguſt, and he knew nothing of the proof copy being ſent to Mr. Tooke, and nothing of Skirving's letter; he ſaid he heard of the meeting at the Globe Tavern, and he heard of a meeting, and ſtrong reſolutions, but he was not preſent on the ſeventeenth of January—that meeting where it was voted, "That law ceaſes to "be an object of obedience whenever it becomes an inſtrument "of oppreſſion;" he ſaid he was not preſent upon the twenty-

fourth of January; he has not now read these resolutions of the London Corresponding Society; that he did not know of Thelwall being paid for printing twenty-five thousand copies of that Address; he does not remember a communication with the Constitutional Society by the London Corresponding Society of their intention to meet on the fourteenth of April; he cannot say that he knew Thelwall was an associated member; he knew of the printing of Paine's letter to Mr. Dundas, and he knew of thanks being given to Joel Barlow.

Colonel Money was then called, but his evidence was of a nature which has no application to the present case, and I was of opinion it could not be received.

Mr. Maxwell said he knows Mr. Tooke; that he has known him ever since the year 1793; he frequently visited him, generally on a Sunday; he said that Mr. Tooke disapproved of Universal Suffrage; Mr. Tooke said he thought it would be a good plan that they should stand for close boroughs, and then petition, in order to expose the manner in which those elections were made, and to force Parliament to agree to a Reform; he said he never heard Mr. Tooke say any thing hostile to the Crown, or the hereditary office of the Peers; he remembers one gentleman, a Mr. Walker, of Manchester, saying he would be ready stand forward as a candidate for one of those boroughs, in order to bring on the question; his account of himself is, that he chiefly resides in Linlithgow, in Scotland, but is in town every year; he said he was not acquainted with Mr. Tooke till the latter end of the year 1792.

Mr. May said, he has known Mr. Tooke better than two years; that they have often been for a long time at each others houses; they have often drank very freely; that he tried to get at Mr. Tooke's real sentiments; he found him a well wisher to the King, and the aristocracy; and that the only change he wished, was in the House of Commons. He said, the last conversation he had with him, was a short time before he was taken up; that, when he had drank a good deal of wine, and when he was sober, his principles were the same; that he reprobated Paine's principles; and said, this Country was not fit for a republic;

public; and he told the witneſs, he had refuſed being a Delegate to the Scotch Convention.

Captain Harwood, who has a troop in the ninth regiment of dragoons, ſaid, he has known the priſoner moſt intimately; that his uncle introduced him to Mr. Tooke, about ſix years ago; who alſo has a great friendſhip for Mr. Tooke; he ſaid, that they continually converſed upon political ſubjects; that Mr. Horne Tooke had the higheſt veneration for the Government, in King, Lords, and Commons; but he ſaid, that the Houſe of Commons wanted reform; that the Borough-mongers ought to be made aſhamed of themſelves; that they ſhould get this Reform by themſelves, that is, by the Commons; he ſaid, he made a propoſal to his friends, to ſtand for rotten Boroughs; he himſelf propoſed to be one; Mr. Walker propoſed to be one, and Mr. Maxwell, and others, were alſo propoſed.

Upon his croſs-examination, he ſaid, Mr. Tooke was ſteady in thoſe principles; he ſaid, he was a member of the Conſtitutional Society; that he was preſent upon the twenty-third of March, 1792; he remembers the twelve members from Sheffield being aſſociated with the Conſtitutional Society; he ſaid, he cannot recollect what the anſwer was, that the Friends of the People ſent to this Society; that twelve perſons, from Norwich, were alſo aſſociated with their Society; he ſaid, he has heard of the addreſs to the Jacobins: he does not know the contents of that addreſs; he ſaid, that Paine and Barlow were honorary members; that the Society approved of part of their works; he knows nothing of the publiſhing of them: he did not know that Mr. Hardy had conſulted with Mr. Tooke, on the addreſs of the London Correſponding Society, to the National Convention of France; he ſaid, he was not in London in the month of November; he remembers a letter from Norwich; it was voted, that Mr. Froſt ſhould ſend an anſwer to it, afterwards it was referred to the witneſs to give an anſwer to it; he forgot to anſwer it; he handed the letter to Mr. Vaughan, and deſired him to get it anſwered; when he came to the Society, he found that an anſwer had been prepared by ſomebody, and that an anſwer was ſent. He ſaid, he remembers the thanks being voted to Froſt; he ſaid,

he

he never ſaw, or heard, the contents of the papers, ſtating the form in which Froſt preſented that addreſs to the National Convention of France, or the preſident's anſwer; he remembers it was ſaid, that the Norwich letter was a fooliſh one. He ſaid, he never viſited the Societies, at Norwich; but he knew individual members of thoſe Societies; he ſaid, he did not know of the letter, at the time he was at Norwich; that he had not been in London for twelve months, and he never ſaw the aſſociated members, from Norwich and Sheffield, attend.

Mr. Rous was then called:—he ſaid, he is a member of the Society of the Friends of the People; he remembers a letter coming from the London Correſponding Society, touching joining in the Convention, that they were about to call, in the ſpring of 1794; that there was a pretty full meeting of the Friends of the People on that occaſion; that the queſtion of acceding to the propoſition, was debated, and the propoſal was rejected; the reaſon for objecting to that meaſure was, that a bad uſe might be made of it.

The Biſhop of Glouceſter was then called:—he ſaid, he has known the priſoner for forty years; that they were for many years acquainted, and not ſlightly, but very confidentially, and very intimately; that their acquaintance began in the year 1754, in the Univerſity of Cambridge, in Saint John's College, where they took their Batchelor's degrees; he was aſked about Mr. Horne Tooke's degree of Maſter of Arts, which does not properly belong to this caſe; he remembers an oppoſition, the ground of which he did not ſtate very diſtinctly, but underſtood that oppoſition to have originated from ſome letters which appeared in the public papers; that Lord Montfort took an active part in it; that there was a ſtrict enquiry into Mr. Tooke's conduct, and there was nothing to Mr. Tooke's prejudice aroſe from that enquiry; he thought, at that time, that there was nothing that ought to prevent Mr. Tooke having his degree, and he voted for his having his degree. He ſaid, he never knew him vary in his political ſentiments; that he never had reaſon to collect, that Mr. Tooke had any averſion to any of the eſtabliſhments; that he is inclined to think him a very

ſtudious

ſtudious man—more ſo than many men; that he believed he might have aſſiſted Mr. Tooke with books, upon grammatical ſubjects, from the Bodleian library; he ſaid, he knew that Mr. Tooke was much employed, in his attention to grammatical purſuits; and never had reaſon to believe that he was engaged in any thing that was ſeditious, and hoped he was not.

Gentlemen, the evidence cloſed with producing the record of the acquittal of Thomas Hardy, who was indicted with the priſoner; it was proper that that acquittal ſhould be in evidence before you, in order that it might ſerve as an anſwer to any part of the evidence that was to reach Mr. Horne Tooke, through the medium of firſt proving Hardy to be a party in the conſpiracy; a man acquitted, cannot be taken to be a party in the conſpiracy, and conſequently Mr. Horne Tooke cannot, by that evidence, be affected, to be a party in this conſpiracy.

Now, Gentlemen, having gone through the whole of the evidence, the caſe is ripe for your judgement. I am ſure I ought to thank you, in the name of the public, for the patience and attention with which you have liſtened to this long detail of evidence; as alſo, with which you have, at great perſonal inconvenience, conducted yourſelves throughout the whole of the trial; you have now a very ſerious duty impoſed upon you; but, after, the pains you have taken, to make yourſelves maſters of the caſe, it is a duty which you will diſcharge with ſatisfaction to your own conſciences, and conſequently with ſatisfaction to your Country.

Gentlemen, I ſtated to a former jury, that I thought it was impoſſible that there could be any entanglement, in this caſe, upon any point of law; I apprehend that it is impoſſible (though much was ſaid upon the law, in this, as in the former caſe) —that it is quite impoſſible, that any practical inference can ariſe, from the diſcuſſion, material to this caſe; for it was not denied, and it was impoſſible that it could be denied, that a Jury ought to find, that he who means to depoſe the King, compaſſes and imagines the death of the King; it is, in truth, a preſumption of fact, ariſing from the circumſtance of intending to depoſe, ſo undeniable, and ſo concluſive, that the law has adopted it, and made it a preſumption of law; and it is in that manner,

ner, that the law has pronounced, that he who means to depoſe the King, has compaſſed and imagined the death of the King. All the writers ſtate the law to be ſo; every one of thoſe, whoſe names have been mentioned, and whoſe general doctrines were alſo quoted, conclude with ſaying, that as to the caſe of a conſpiracy to depoſe the King, that that is a deciſive overt act of compaſſing the death of the King.

In Sir John Frend's caſe, which was quoted to you, my Lord Holt did expreſsly ſtate it ſo. In the caſe of my Lord Ruſſel, the overt act was of a different nature, and more capable of explanation; therefore, it was there properly ſtated to be evidence upon which the Jury might exerciſe a judgment, and in which, by poſſibility, they might ſay, that the man who had attacked the King's guards might not mean to compaſs the King's death; but it might be in ſome affray, or ſome way or other, which might take off the force of that evidence.

Gentlemen, I ſhall therefore give you no further trouble upon that head; I ſpeak in the hearing of my Lord Chief Baron, and my brothers, who, when I ſtated the law before, adhered to the law as I ſtated it. I ſtated it as it has been underſtood for centuries; and God forbid, that in a caſe, in which no reaſonable man can doubt but that he who means to depoſe the King, means to deſtroy him; and that his deſtruction is neceſſarily connected with his depoſition. God forbid, I ſay, that a Jury ſhould doubt, that he who means to depoſe the King compaſſes and imagines the death of the King; I will therefore trouble you no further upon that head; the caſe before you is, in truth, a caſe of fact; but for the ſake of others, and for the ſake of a numerous bar, attending here, and that it may not be underſtood, that the Court did agree to ſome things which were laid down, and particularly to a propoſition laid down in a very admirable ſpeech yeſterday, I muſt take notice, that I cannot agree to the diſtinction that was taken, between the caſe of a crime depending upon the common law, where it was ſuppoſed the judges were to declare the law, as it was compoſed of the precedents declared by the judges, and the caſe of a crime declared by act of Parliament; as if, in the caſe of a crime declared by act of

Par-

Parliament the jurisdiction of the Court was concluded; I take it to be, for the first time, so stated; I take it, that there is nothing so clear, as that, let the proposition in an act of Parliament be what it may, more or less distinct, it is always a question of law, what is the meaning, and the true import of that act of Parliament, and whether any case of fact that can be stated, is a case that comes within the meaning of that act of Parliament, or no;—so it has been constantly stated, in all my experience, and such is the theory of the law, in my apprehension. In this place where I now sit, and in the course of an experience of thirty years, and more; hundreds and hundreds of times it has been the subject of solemn debate, whether the case stated in evidence did, or not, fall within the law; no distinction can be taken in this case, because it happens, that the description of the offence, in the statute of Edward the third, is comprised in two or three words; the law may be clearer upon that account; but the rule of construction, with reference to the question, whether it should be taken to be the construction of law, or a mere matter of fact, is exactly the same; till this day, no man ever doubted, that, in a case of treason for levying war, what is a levying war, is a question of law: or for adhering to the King's enemies, what will amount to adhering to the King's enemies, is a question of law.

In a case of levying war, which all the gentlemen at the bar will remember, when I mention it—the case of Damaree and Purchase; there was a special verdict, in which the direct question was, whether the fact that was stated did, or did not amount to a levying of war; there was a difference of opinion among the judges upon it; but the majority were of opinion, that the fact amounted to levying war; and the prisoner had judgment, as in a case of high treason. I have said thus much, that error may not get abroad; it was observed at the bar, that this is an age of innovation; it is necessary we should keep to our principles, and that we should fully round the law; and therefore, any departure from the principles of law, ought to be taken notice of. At the same time that I observe upon this part, in which, I take it, the law was not correctly stated, I have great pleasure in doing justice to the other

other parts of that ſpeech, which I heard with as much pleaſure as I ever heard any ſpeech in my life. I never heard a ſpeech that was, in all reſpects, fitter to be offered to a Jury, by a Counſel aſſigned for the priſoner, in a caſe of high treaſon, where very much depends upon the Counſel keeping themſelves very ſtrictly within the line of their duty, giving the Court and the Jury effective aſſiſtance, in the diſcuſſion of the law, and in the examination of the fact; and in all thoſe diſcriminations, more eſpecially in a complicated caſe of evidence, which their learning and abilities will enable them to make. The putting the caſe in every poſſible light, in which it can be put for a priſoner, is not only the right of the priſoner, but is eſſentially uſeful to the public juſtice of the Country; as it enables thoſe, who are to decide, to ſee where the truth of the caſe lies. Having ſaid this, for the ſake of others, and you will excuſe me, Gentlemen, for having, for a moment, departed from the queſtion before you; I now return to it.

Gentlemen, the caſe for your conſideration, is a caſe of fact; and a great ſatisfaction it is to me, that, if under the preſſure of the fatigue, which I have undergone, any great omiſſions may happen to be made by me, the attention that you have ſhewn to the evidence, will enable you to ſupply thoſe defects. The maſs of this evidence is quite new to you, except ſo far as you may have read it, through the imperfect medium of accounts, which newſpapers may have given you of it; it is, to us, the ſecond laborious inveſtigation, perhaps, that ought to enable us the better to aſſiſt the Jury; but I am not quite ſure that it may have that effect; the mind is ſometimes overborne by the preſſure of ſuch a quantity of materials; and perhaps the repetition of it may rather contribute to burthen it ſtill more. I am afraid that is my caſe; I ſhall, however, give you the beſt aſſiſtance I am able.

Gentlemen, there could be but two general views of the evidence. Firſt, as it applies to the proof of a general project, to eſtabliſh a National Convention, which ſhould uſurp the powers of Government; the ſecond, and a totally diſtinct queſtion, is, how far the evidence applies, to fix upon the priſoner a concurrence

rence, and a participation, in that deſign; from the courſe the evidence has taken, I think theſe two diſtinct propoſitions will reſolve themſelves into one; and that the queſtion will be, whether this priſoner has been concerned, and has participated, in a plan, to eſtabliſh a National Convention, which ſhould uſurp the powers of the Government; if he has done ſo, he has been concerned in a plan to depoſe the King; for the moment the powers of the Government are uſurped, the King is depoſed; and it is difficult to draw the line, and to ſay, that, if they are uſurped for a particular purpoſe, and to a particular extent, that the King ſhould not be ſaid, in that caſe, to be depoſed; the Kingly authority is gone, in that inſtance, and to the extent to which ſuch uſurpation may reach; and all the miſchiefs, all the dangers, to the perſon of the King, will follow; becauſe the King is bound to ſupport his Government, he is bound to reſtrain that uſurpation, even at all the hazards which Mr. Attorney General alluded to yeſterday; ſo that any plan, for any body of men to take upon themſelves the power of the Government of the Country, to aſſume or to ſuperſede the Legiſlative authority of the Country, ſeems neceſſarily to involve in it that depoſing of the King of which I have been ſpeaking. Attacks upon the Executive Government, are of a very different nature; they are a reſiſtance to the laws, but not overturning the laws; for unleſs they ſucceed to the extent of deſtroying the laws themſelves, the laws will have energy enough to defend themſelves; and to bring the authors, if any violence is offered to them, to puniſhment; but if the laws themſelves are gone, for one moment, the whole Government is gone—the Kingly authority is gone—and every thing that belongs to the Government is gone.

Gentlemen, in point of fact, a project for a National Convention, and the exiſtence of the actors in that project, are clearly made out. It is very certain that there were perſons who had an intention of holding a Convention; and upon the evidence, I think, it cannot well be denied by Mr. Horne Tooke, that he was a participator in it, though not preſent at the meeting of a joint Committee, or a Committee of Co-operation,

union, in which the plan was discussed—I think it can hardly be denied, that Mr. Horne Tooke was a party participating in the plan of a National Convention; but the question that is material for him to dispute, and which is material for you to consider, is, for what purpose was that Convention to be held. In this question, the intent makes a part of the description of the overt act of the crime; and the intent here is a mere matter of fact. The intent is often connected with the fact of the charge in such a way that it is not a part of the crime. A man who does me a certain injury, must make me satisfaction for it because he has done it; and he cannot shelter himself under any intent that he had which he may insist upon was innocent; so, where he has committed that fact which the law has qualified with crime, the intent, though formally alledged, is considered as a necessary incident to the fact, and is not a matter for enquiry; but in a case of this nature, it is a necessary ingredient in the fact, a part of the fact, and to be proved just as much as any other part of the fact; and it is in truth to this point of the intention, with which this Convention was to be held, that the whole series of the transactions in the evidence applies.

There is in the evidence a chain of circumstances, all concluding to one point, to prove the intent; and this could not be justly compared to cumulative Treasons, making up some one Treason, that is not the nature of the evidence, nor the application of the evidence; therefore, it is totally unlike the case of Lord Strafford—it is totally unlike every case in which any such idea of cumulative Treason was ever talked of or discussed. There is no one of these acts, with an exception perhaps of one, that Mr. Attorney General thought it right to state as a distinct overt act of Treason; but otherwise no one of these acts can be considered as Treason in itself, nor forty of them as making up any Treason from their accumulation; but they are to be considered as evidence of an intent; when the question is, what a man's intent is, it is to be proved by a thousand circumstances—it may be proved by a single fact, or may be proved by a chain of circumstances that are distinct, and as much dispersed, through a voluminous body of evidence,

as

as they are in this caſe, though a complicated evidence of this nature does not very often occur.

Gentlemen, the intent avowed by the parties engaged in this project of a Convention, is a Reform of the Commons Houſe of Parliament, and that intent is innocent; but the proſecutors undertake to ſhew you that this is not the true intent; they ſay that the words ought not to be ſo underſtood; they remark that there is an equivoke in the words which theſe perſons uſe; that the words Parliamentary Reform are uſed—radical Reform is uſed—full repreſentation of the people in Parliament is uſed—full and free repreſentation of the people in general, without ſaying in Parliament, is uſed; all of which, they ſay, are words that have in them an equivoke. They admit that when men are ſpeaking of the Conſtitution of England, as in a King, Lords, and Commons, you would underſtand theſe words without any equivoke in them, as applied to the Commons Houſe of Parliament; that you would, in favour of innocence, in a caſe where a party is accuſed of a crime in reſpect of an intent that has relation to that ſubject—that you would underſtand the words in that ſenſe which was moſt favourable for the priſoner, and therefore conſtrue them to mean a repreſentation in the Commons Houſe of Parliament, unleſs you found yourſelves obliged to conclude that they import a different thing; and therefore, for the proſecution, they direct you to the context of theſe words, where they ſay you will find the true interpretation of the words, as well as the true intent of this meaſure of holding this National Convention.

Now, Gentlemen, I ſhall ſay to you, as I did upon the former occaſion, that this interpretation of words, this intent of the party accuſed, ought not to be left to be made out by nice and verbal criticiſm. I ſay, as I did laſt night, reſpecting the Southwark declaration, where the words are "repreſentative "Government," that repreſentative Government, in the ſtrict ſenſe, does not accord with the idea of a Government by King, Lords, and Commons, but that people may expreſs themſelves not with grammatical correctneſs, and that they may mean the very things they ought to mean, though they uſe the

words "repreſentative Government;" and that, therefore, you are to look further. When you found, in that ſame declaration, the words "equal and active citizenſhip," you might then begin to doubt what the parties meant by theſe words—"a re-"preſentative Government." Therefore, you will conſider the words which theſe men have uſed, with their context; and you will look at the conduct of the parties who uſe the words;—for the conduct of the parties will beſt explain and fix the meaning of any thing which is equivocal in the language they uſe. Now, for that conduct, we are referred to the written tranſactions of two voluntary Societies in London, correſponding with other Societies in England, Scotland, and France, in which I include the Britiſh Convention, as held in Scotland. The Society for Conſtitutional Information was the elder Society in point of eſtabliſhment; Major Cartwright ſtated, that its object was to obtain a Parliamentary Reform, but not upon any fixed, determinate plan. The London Correſponding Society was inſtituted early in the year 1792, profeſſedly for the purpoſe of obtaining a Parliamentary Reform, and that upon the Duke of Richmond's plan. I think the evidence is ſo; and, though a great deal of violence very ſoon followed, which might have led one to queſtion the truth of their original principles, yet I think it ought to be taken that that Society was inſtituted upon thoſe principles; unleſs one could have diſtinctly ſeen, in the evidence, to the very bottom of the foundation of that Society, and ſeen that it was formed for the purpoſe of acting under a ſecret influence and direction to ſome other end, uſing a Reform of Parliament as colour only. I think there was ſome attempt to make this out, and fix the agency upon the priſoner at the bar: they went ſome little way towards proving it, for they gave evidence of Mr. Horne Tooke's hand-writing being found in the paper purporting to be the original Conſtitution of the Society; and they proved a conſiderable degree of intercourſe between thoſe who were leading members of the Society and Mr. Horne Tooke, and that they looked up to him. But it does ſeem to me that they did not go far enough to maintain that propoſition, for it is a ſtrong propoſition that a man

ſhould keep himſelf, behind the curtain, connected with ſuch a Society as this was, for the purpoſe of taking all their moſt active and violent meaſures under his direction; that they ſhould ſet up a pretence of a Reform of Parliament, meaning all the while to execute a purpoſe of a very different kind, and do all this under one man's direction—this is a thing which is not to be believed or to be found by a Jury without very clear proof; it is not to be believed by you upon probabilities; in the common concerns of life men are obliged to act upon probabilities, but that is not the caſe with a Jury; I might add that even in the common underſtanding between man and man, one ought not to believe ſuch a thing, without its being more diſtinctly proved than it has been proved in this caſe.

Gentlemen, this Conſtitutional Society appears to me to be a mere club; with reſpect to the London Correſponding Society, certainly that is of a very different nature; it is indeed when you contemplate it ſo compoſed, as to be ſpreading itſelf every hour from diviſion to diviſion, and each diviſion producing its ſub-diviſions, thoſe ſub-diviſions becoming diviſions, and ſo on *ad infinitum*, correſponding with, embracing and affiliating, as it is called, a great number of other Societies in the Country, many of them conſtituted upon the ſame plan; it is indeed a political monſter, and moſt portentous, ſuch a one, as in point of hiſtory, we know that at this moment the National Convention in France have been obliged to ſuppreſs; becauſe, though they probably raiſed themſelves to the Government by it, they found the Government could not ſubſiſt with it; it is of that nature which does certainly preſent a very alarming aſpect to all thoſe who have a regard to the peace, the happineſs, and tranquillity of the Country, for it is calculated to produce the moſt powerful combination that I think the world ever ſaw. If you could ſuppoſe bad deſigns to be at the bottom of it, which in this place, when I am not ſpeaking of the evidence of their deſigns, I ſhall not ſuppoſe, the wit or the malice of man could not deviſe an inſtrument of more power to execute them, and if you call to your recollection the advice that was given in a letter from the Editor of the Patriot, as to the

manner in which theſe Societies might be extended, and converts made by able men from the different Societies traverſing the Country, and infuſing their opinions into the minds of every one in the Country who could be prevailed upon by any art, by the moſt induſtrious management to liſten to them, one can eaſily conceive what opinions might be infuſed, and what conſequences might follow; probably many members of theſe Societies may hear what I am now ſaying, and I would willingly hope that honeſt men would ſee the danger of countenancing a Society of this extraordinary nature; and not abandoning their principles, that they will be content to communicate their principles where they wiſh to have them communicated through ſome channel leſs dangerous to the happineſs of mankind.

Gentlemen, I have obſerved that the proſecutors thought they could trace the origin of this Society to the priſoner at the bar, and I have obſerved what in my opinion was the true effect of the evidence with reſpect to that. The project of a National Convention to be held here is ſuggeſted in a letter from the Stockport Society to the London Correſponding Society upon the twenty-ſeventh of September, 1792, and I do not find it diſtinctly marked in any paper of an earlier date. Mr. Attorney General thought he ſaw it in the addreſs of the ſixth of Auguſt, 1792, and he ſtated to you his reaſons; when that paper was read, I ſtated to you what occurred to me upon it, and I will not repeat it—there had been in London meetings of Delegates for promoting a Reform in the Commons Houſe of Parliament about the years 1780 and 1781. Mr. Sheridan, who gave evidence upon this ſubject, called them a Convention, and deſcribed them in terms that were apt and proper to give you an impreſſion that they were a Convention of the people, and he did, in guarded language, ſtate that theſe Delegates, and that Convention, were to act upon the Legiſlature by—not force, but, by impreſſing that awe and reſpect, which large bodies of men, promulgating their opinions upon public queſtions, might naturally be ſuppoſed to create upon the minds of thoſe who compoſed the Houſes of Parliament; whether the Convention propoſed by the Stockport Society, was of the nature of

that Convention mentioned by this gentleman, you will judge.

Gentlemen, there had been, we all know, a National Convention in France, which had taken poſſeſſion of the Government, and had overturned the Government; there had been public demonſtration of the intereſt which many in this Country took in the downfal of the French Government. The principles upon which that change in the Government of France was to be ſupported had been induſtriouſly circulated through theſe voluntary Societies. Mr. Paine's firſt and ſecond part of the Rights of Man, which had been approved of by a vote of the Conſtitutional Society, I think of the eighteenth of May, 1793, and his letter to Mr. Dundas, and Mr. Joel Barlow's works, were publiſhed about the ſame time; at the ſame period eager invectives againſt the executive Government, as well as againſt the conſtitution of the Houſe of Commons, were diſperſed among the people. The nature of Mr. Paine's works, and of Mr. Barlow's works you are now perfectly apprized of, they were works ſome of them originally calculated for the meridian of France, and to ſupport the Revolution that had taken place there, others of them applying diſtinctly to this Country, and attacking the Monarchy of the Country—the Hereditary Dignities of the Country; and, in ſhort, propoſing the models of the Republics of America, and of France, as proper objects for our imitation, and as the proper meaſure of a Revolution to take place here; there is no ſuch thing as diſguiſing that that is the true import of thoſe works. They were publiſhed anxiouſly, and diſperſed induſtriouſly by theſe Societies, in correſpondence with other Societies, without any thing that might in any manner tend to put the people upon their guard with reſpect to thoſe parts which were unfit to be adopted; one of the Sheffield people ſaid that he took upon himſelf to approve ſome parts, and to reject others; he conceived Paine himſelf did not underſtand ſome parts of his works. But is it fit, or ought it to be endured in a well regulated Government, that the books containing general principles ſubverſive of every part of that Government, ſhould, without the leaſt antidote to the poiſon, be diſperſed all over the Country to poiſon the minds of every

man into whoſe hands they ſhould fall, and that they ſhould be put thus induſtriouſly into the hands of every man who would receive them; what muſt be the conſequence, but that the minds of thoſe perſons muſt be entirely alienated from the Conſtitution and Government of this Country, and that they muſt be prepared for a revolution, or for any criſis that the violence of violent men might bring forward, and that the Country muſt neceſſarily be involved in civil commotions, and in all thoſe horrors that belong to ſuch a ſituation of things, ſuch as have been but too much exemplified in a neighbouring nation.

Now then, in this ſtate of things which had been prepared by theſe Societies by their publications—by their unqualified approbation of theſe new opinions, and by the encouragement which they gave to the propagation of them. Firſt of all an addreſs to the Jacobins is tranſmitted through Mr. Horne Tooke, from the Conſtitutional Society, in which there is one very exceptionable paſſage—and at length, in October, 1792, an addreſs to the National Convention is propoſed by the London Correſponding Society to the Conſtitutional Society, after a private communication, both by Margarot, and by Hardy, to Mr. Horne Tooke, upon the queſtion of the expediency of that meaſure; there is no direct evidence that Mr. Horne Tooke ſaw either of thoſe perſons, or anſwered their letters; their letters are found in his poſſeſſion, but there was not any anſwer of his found, therefore how far Mr. Horne Tooke interfered in this meaſure you muſt infer from the circumſtance of their letters being found in the poſſeſſion of Mr. Horne Tooke. The two Societies finally reſolve to addreſs this National Convention ſeparately, a meaſure in itſelf of a very doubtful complexion. It has been argued to be quite lawful to preſent addreſſes to ſuch a body in time of peace. I am not prepared to ſay that the interference of a large body of the ſubjects of this Country in affairs which reſpect the Government of another Country, and which are intereſts confided by the Conſtitution of this Country to the King, is a thing ſo clearly innocent, or that I ought to paſs it by unnoticed, from whence it might be concluded

that

that I agree that it would be lawful, even in time of peace. I ſtate it as a thing of a very doubtful complexion—but the proſecutor inſiſts that whatever may be the complexion of that act, conſidered in that view only, in which reſpect, whether it be perfectly innocent, or whether it is any preciſe offence, is a conſideration quite foreign to the preſent enquiry; they ſay, however, that may be that they object to theſe addreſſes, and uſe them as evidence againſt the priſoner, inaſmuch as they have an aſpect towards this Country, and that the change of the Government in that Country is uſed, by the promoters of theſe addreſſes, to prepare the way for a change of the Government at home.

Gentlemen, here again I do not wiſh to examine the language of theſe addreſſes too rigorouſly, but what are we to ſay to Mr. Froſt's expoſition and comment upon thoſe addreſſes; he has thought fit publicly to declare, with thoſe addreſſes in his hand, that revolutions will now be eaſy, and that it would not be extraordinary if, in a ſhort time, addreſſes were to come from France to a National Convention in England. Now is it poſſible to explain away thoſe expreſſions; they might be ſaid to be very indiſcreet, and not warranted by the inſtructions, but that explanation is excluded in this caſe, becauſe you find that Froſt, and his aſſociate, tranſmit their papers, including the very form in which they preſented this addreſs, together with the anſwer of the preſident of the National Convention, to the Society for Conſtitutional Information, and it appears in the evidence that they received an unqualified approbation from the Conſtitutional Society. The preſident's anſwer was in the ſame ſtyle, but I confeſs I lay no great ſtreſs upon that, it not being the act of the Society, or of any one perſon authorized by the Society.

Gentlemen, the meaſures which had been taken, in the earlier part of the year 1792; the countenance to Mr. Paine's works, the circulation of them; the countenance to Mr. Joel Barlow's works, and the circulation of them; the addreſs of the ſixth of Auguſt, and the correſpondences loaded with invective, upon every order of the Government; all theſe inflammatory things paved the way for a

National Convention in England, but they had no direct reference to it, and it ſeemed to me, therefore, that the National Convention, named by the Stockport Society, might be underſtood of a Convention for a Parliamentary Reform, for at that time there was nothing deciſive to mark that it ſhould be received in a different ſenſe. Much occurs in the evidence to lead one to doubt, whether this was really meant, for it appears in the correſpondence, that ſome of the Societies entertained republican principles, ſome were for reforms upon the principles of the Rights of Man, which are hardly to be reconciled with the idea of that Parliamentary Reform which is to be purſued with real attachment to the Conſtitution of the Country, in King, Lords, and Commons; but, however, though there might be room to ſuſpect, perhaps it would be too much for you to venture to pronounce upon this evidence, that the National Convention mentioned by the Stockport Society was to be underſtood of a National Convention, which was abſolutely to uſurp the Government; but the queſtion which is material, is, Can the National Convention, which was to be congratulated from France, be a Convention for the Reform of the Commons Houſe of Parliament? Is it poſſible, by any explanation, to underſtand that National Convention in any other light, than a National Convention of the ſame nature with the National Convention in France, which they were at that moment felicitating.

Gentlemen, if the previous meaſures had an effect to prepare the way for a National Convention, on the plan of the National Convention in France, look at the ſucceeding ones, and thoſe of the Conſtitutional Society, in particular. The introduction to the public notice of the argument of Saint André and Barrere, on the ſubject of the inviolability of the King, and of the nature of a National Convention upon French principles, ſeem to have no poſſible relation to a National Convention for the purpoſe of obtaining a Parliamentary Reform, and whether they can have any poſſible object but to beat down one of the guards of the ſafety of the King, and to reconcile men's minds to the uſe of that inſtrument, that National Convention which was to deſtroy him and the Government, is for your conſidera-

tion

tion upon that piece of evidence.

It was obſerved by Mr. Tooke, that other perſons who had publiſhed the Moniteurs, in which theſe ſpeeches were, were not proſecuted; no; and when theſe papers paſſed in the general maſs of newſpaper intelligence, however it were to be wiſhed, perhaps, that ſuch doctrines might not find their way into this Country, having no immediate relation to our Government, and having relation to another Government, there ſeems to be no way of fixing crime upon ſuch a publication; but when the public attention is called to them by a Society who had gone the length to preſent thoſe addreſſes to the National Convention of France; and when he who preſented thoſe addreſſes had ſtated that revolutions would become eaſy, and that it was probable that the Country might be felicitated upon a National Convention here by French addreſſes; the queſtion is, whether the offering theſe papers to the public notice, in that manner, has not a different complexion, and whether it does not furniſh an argument of an intent, that men's minds ſhould be prepared for a National Convention, which ſhould not reſpect the inviolability of the King's perſon.

Gentlemen, a Britiſh Convention in Scotland was ſet on foot early in the year 1793; I am not able to trace in the evidence any connection with the Conſtitutional Society, till after that Convention had met, and had been in ſome degree organized, and till after two adjournments, it had met again. In November it was joined by a Delegate from the Conſtitutional Society, together with Delegates from the London Correſponding Society, and other Societies in England; it appears, however, in the evidence, that theſe Delegates from London, in fact, at that time, put that Scotch Convention in motion; that is the account given by Margarot. When they went down the Convention was adjourned, but they found no great difficulty in prevailing that the Convention ſhould be re-called, and accordingly, at his requeſt, it was recalled.

Gentlemen, you heard a good deal of evidence reſpecting that Convention; conſider then, ſeriouſly, what that Convention aſſumed to be; conſider the ſolemnities, and the forms of it, the manner

manner of its proceeding, the close imitation of the manner of the National Convention in France; and though they were originally dealing with small subjects, dealing with them with those forms which would enable them to deal with larger subjects, their treasurers employed themselves in separating bad shillings from the sum of four pounds five shillings and eight pence; with the countenance of the people, the same treasurers might have managed the whole revenue of Scotland. Skirving values himself upon having organized this meeting, and put them into a condition to act. To be sure, when you look at them, they are so completely organized, that it is extremely difficult to apprehend that it was possible that their object could be an application to the House of Commons, or to Parliament, upon the mere subject of Parliamentary Reform; independent of their particular conduct upon that subject, however, they held a particular conduct, for you find that they move for a Committee to prepare a declaration of the unalienable, imprescriptible Rights of Man, which is the form in which the National Convention in France began all these operations; and when the scroll of a petition to the House of Commons was presented, they put a negative upon it, by the order of the day, upon which I before observed.

Now, whether all this form had really no bottom, and was only a piece of solemn mummery, meaning nothing, at last, but that they had a mind to join in a petition to Parliament; or whether this singular machine was so framed, and so conducted, as to enable them to feel the pulse of the people, and to take up larger pretensions or not, as that pulse should beat, is for your consideration. I said, upon a former occasion, that when we contemplate this Convention held at Edinburgh, in a part of the Country where there are a great number of people given to reading, and to thinking, and who turn their minds very much to political subjects; and if we were to suppose, that a favourable impression was made of this Convention, in consequence of these local circumstances, and the temper and nature of the people, how soon it might have happened, that the countenance of the people of Scotland might have given an effect to

these

theſe forms, and enabled the Scotch Convention to aſſume a tone of real authority, appears to me to be a momentous queſtion, and was a queſtion of a very dangerous uncertainty, at the time when that Convention was ſitting, and at the moment in which probably, moſt fortunately for the peace of the Country, it was diſperſed; for diſperſed it was. In conſequence of that, there were proceedings in the Court of Juſticiary of Scotland, and ſome of the parties who were concerned in the meaſure of the Scotch Convention, were puniſhed with great ſeverity; the conſequence of that was, that their cauſe was taken up here, and great indignation was expreſſed in theſe Societies, on that occaſion: there appear to have been great pains taken to irritate the public mind upon the ſubject of theſe proceedings; and it does appear to me to be a circumſtance worthy of conſideration, that be theſe grievances really at the bottom, more or leſs, of which it is not for me here to ſay one word, there ſeem to have been pains taken to aggravate things beyond the reach of all ordinary remedy, and particularly far beyond the reach of any remedy which a National Convention, ſitting for the Reform of Parliament, could poſſibly produce.

In that famous addreſs of the twentieth of January, from the Globe Tavern, you ſee they go to the length of ſtating, that there is no redreſs to be had from the laws, for they are the laws of their plunderers, enemies, and oppreſſors; that they cannot have grapes from thorns, nor figs from thiſtles, but that they muſt reſort to ſome new and extraordinary remedy; what can that be? they follow it with a declaration, that they muſt have a full, free, and fair repreſentation of the people; now can that be through the medium of a Convention, or can it be in the Commons Houſe of Parliament, for that would be according to the laws, which laws they renounce the protection of, and ſay they will have nothing more to do with them, but they will have reſort to themſelves.

In this ſtate of things, a Convention is propoſed here, and reſolved on by theſe two Societies, in which this priſoner is certainly implicated, and meaſures are taken to carry that Convention into effect. Now, Gentlemen, if this Convention was a

Con-

Convention on the plan of the Convention in France to take the Government of the Country upon them, any one meaſure taken to bring forward that Convention, would clearly be an overt-act of High Treaſon in compaſſing the King's death. The meaſure that is charged is the meeting in a Committee of Correſpondence and Co-operation, and the conſulting together to bring it about, is another overt act that is charged of this ſpecies of High Treaſon. To conſpire to hold ſuch Convention for ſuch a purpoſe, would be to conſpire to depoſe the King; and every act done, tending to carry that conſpiracy into execution, will be an overt act of this Treaſon, of compaſſing and imagining the death of the King.

But now, Gentlemen, comes the great queſtion for your conſideration, Was it a Convention of this nature? Judging upon the whole context of theſe tranſactions, one can hardly believe, even though there is evidence of it, that a Parliamentary Reform in the Houſe of Commons, was the object; one muſt ſuſpect that more was intended; but the queſtion is, what more was intended, and what was the preciſe object, for you muſt ſee that it is not enough that ſuſpicions ariſe in your minds as to the objects which theſe perſons had in their minds, that you incline to think that they muſt have meant more than they profeſſed, reſpecting Parliamentary Reform; that their meaſures were not at all proportioned to this end, therefore, arguing with them upon the ſuppoſition that they acted conſiſtently, that they muſt have meant that which is imputed to them; ſuch grounds as theſe warrant ſuſpicion, but, undoubtedly, do not conſtitute proof, and therefore you muſt diſtinctly ſee, that they had more in view, and that they had this particular object in view, to hold a Convention for the purpoſe of uſurping the powers of Government.

On the part of the proſecution, they ſay that they ought to be taken upon this evidence, to have called this Convention for the purpoſe of uſurping the powers of the Government, becauſe they have proclaimed to the world that their object was to have ſuch a Convention, and to put this Country upon a footing of a neighbouring Country, in which there is ſuch a

Con-

Convention which has uſurped the powers of the Government; and they ſay for the proſecution, that after that declaration, coupled as it is with all that conduct tending to prepare the way for overthrowing Monarchy and Ariſtocracy, and all the orders of the State, they have a right to inſiſt that it is not enough for thoſe perſons who are charged with High Treaſon to inſiſt, and to bring witneſſes to ſay, that that was not their intention, but that their intention fell far ſhort of it; for that they ought to be tried by their conduct, rather than by their profeſſions, and that their conduct marks that this was the object: their conduct in reſpect of their general publications—their conduct in reſpect of the National Convention of France—their conduct in reſpect of the Scotch Convention, leaving out all the ſmaller intermediate parts of the evidence, from whence a great deal of matter might be picked out, ſome of it affording grounds of ſuſpicion, ſome going a great way beyond ſuſpicion, and fairly affording a ground to collect this intent.

Gentlemen, this is the ſtrong part of the proſecutor's caſe, and here, I think, he muſt leave his caſe, for I do not ſee myſelf that he has carried it any further than to ſhew that the conduct of theſe Societies has been the conduct of determined Republicans; that they have taken all occaſions to countenance the idea of a Revolution here, to be effected by a National Convention, which was to be the form of Government to be eſtabliſhed in the place of the exiſting Government of the Country; and that they had irritated the public mind by every artifice that they could poſſibly uſe, in order to prepare them for ſuch a criſis, and to make ſuch a uſe of the National Convention, whenever that National Convention ſhould in fact be formed.

And, Gentlemen, it is certainly true, that if you look at this caſe in the exterior of it, and upon the outline which I have ſtated, there is great ground to impute this to thoſe Societies; and it would be difficult for this priſoner, in particular, to take himſelf out of that implication. And it undoubtedly is true, that the conduct which theſe Societies carefully obſerved, was a conduct that muſt neceſſarily create great alarm in the Country;

that

that it muſt have called upon the Government of the Country to be very vigilant, and to take very active meaſures; that it does juſtify the putting the perſons accuſed into that ſituation in which they now ſtand—calling upon them to explain to a Jury, even at the hazard of their lives and honour, and every thing that is dear to men, a conduct liable to ſo many juſt exceptions. But that this conduct may yet be explained, and that, when the queſtion is with the Jury, whether that which all mankind might be juſtified in ſuſpecting, does really turn out to be ſufficiently founded in fact, and to be ſo diſtinctly proved as to warrant a Jury, who are bound to acquit if there remains any doubt upon the caſe, in finding a verdict of guilty, is quite another conſideration.

Gentlemen, I conſider every thing beyond the outline I have ſtated; which outline I conſider as the proſecutor's evidence—I ſay, I conſider every thing beyond that, as evidence on the part of the perſon accuſed. This enquiry has let us into a great deal of the interior of theſe Societies, and it has produced a diſcovery I cannot ſay much to the honour of their leaders—that they have magnified their numbers and their ſtrength, for a purpoſe which every man muſt ſee, very much beyond the truth. The Sheffield Society was repreſented as conſiſting of two thouſand members a great while ago, and to be every hour encreaſing; there were ten thouſand aſſembled upon the Caſtle Hill, which paſſed for the Society. The evidence in the cauſe with reſpect to the Conſtitutional Society ſhews, that they vaunted to their correſpondents of publiſhing a hundred thouſand copies, when perhaps they did not publiſh five thouſand.—There was an oſtentatious diſplay of force, of ſtrength, and of conſequence, which they really had not, with a view to miſlead the public. But, however that may be, yet the true ſtate of theſe Societies, and of the Conſtitutional Society in particular, will certainly have a material effect upon the queſtion of fact, whether, at the time this National Convention was propoſed, they really had it in their minds to uſe it to uſurp the Government of the Country; becauſe it is a very eſſential thing to enquire, when a great end is propoſed, what are the means by which

which it is to be effected. It appears upon the evidence, that the Conſtitutional Society had neither numbers, money, nor even zeal, according to the evidence. Sinclair complained very much that he was abandoned when he was in Scotland; very often their Committees would not and did not meet. I am not ſpeaking at preſent of Mr. Horne Tooke, the priſoner, perſonally, but that ſeemed to be the general conduct of the Society; they ſeem to have had no reſources ſuch as men naturally furniſh themſelves with who engage in deſperate enterprizes. From all the examination, we have not been able to trace any direct conſpiracy, pointed to this object, by individuals who can be named; nay, the contrary is proved, as far as the evidence goes: they ſay that this man, and that man, and the other man, and every man that they had any knowledge of, were not involved in any ſuch conſpiracy—they had no idea of entering into any ſuch conſpiracy; and there certainly is a difficulty upon this evidence in that reſpect, admitting that the general outline I have ſtated would warrant very ſtrict concluſions; yet upon whom to fix this conſpiracy, ſeems to remain a thing of difficulty. There certainly is ſome evidence againſt many perſons, and againſt the priſoner now at the bar; Mr. Solicitor General, in his opening, even treated him as the principal; and as if there were other perſons who were put forward to go through the dangers of the buſineſs, but that he was the director of all.

There were certainly many things to be explained by the priſoner, which I ſhall have occaſion to take notice of hereafter, but I am now obſerving how far the proof may be ſuppoſed to go. There is more conſultation proved between the priſoner and Margarot and Hardy, than between him and any other perſons; but with regard to Hardy, he is acquitted, which is of courſe an anſwer to all the evidence that implicates him. One may ſay, in general, that this evidence goes to involve all thoſe who concurred in this reſolution, and who had before aſſented to thoſe previous tranſactions which manifeſt what the intent of this reſolution was; it is no anſwer to this to object that this would involve great numbers; when there is a rebellion, every man

man in it is involved, if it conſiſts of a hundred thouſand; if there is a levying war, as in the caſe of Damaree and Purchaſe, every man acting in it is undoubtedly criminal, and equally criminal with the leaders, but in all theſe caſes the leaders are ſelected for example. It does not furniſh any objection to the conſpiracy, that it has unfortunately embraced in it a great number of people; but it is certainly true, that the greater the extent of the charge, the more carefully you will weigh it, and the more willingly you will attend to every poſſible explanation that may lead you to doubt whether the charge is founded to the extent in which it is laid.

Gentlemen, Mr. Horne Tooke went into a very effective croſs-examination; and he alſo examined witneſſes on his behalf. I think he did well, in ſo doing; for I myſelf cannot but think that this was a charge, which it became Mr. Horne Tooke to treat moſt ſeriouſly, and to give the moſt ſatisfactory anſwer to it that evidence could furniſh. He has examined a great number of witneſſes; and I ſhall ſtate the effect of their evidence more diſtinctly by compreſſing it, than by enlarging my obſervations upon particular witneſſes. He has eſtabliſhed that his principles, as far as can be collected from all theſe witneſſes, who have ſpoken to them, and who had great opportunities of knowing them, were directly oppoſite to republican principles; that he was firmly attached to the Monarchy of the Country, and firmly attached to the Conſtitution of it, in a King, Lords, and Commons—only quarrelling with the Commons Houſe in its preſent ſtate, and quarrelling with it from his attachment, in a great meaſure, to the King, and to the other Houſe of Parliament. He was of opinion, that the true balance of the Conſtitution conſiſted in the King, having his prerogative upon high ground; the Hereditary Nobility, having their balance in the State; the Commons being a pure and perfect repreſentation of the people: and he has given you demonſtration, by public acts of his, in the year 1780, in the year 1782, in the year 1785, in the year 1788, nay, I think, alſo in the year 1790, of his having in public, when political queſtions were diſcuſſed, taken that part which is a clear manifeſtation of his principles.

He

He has alſo gone into evidence which certainly deſerves great conſideration; with reſpect to the habits of his life, he is a ſcholar, a ſtudious man, devoted to books, employing a great portion of his time with books, rather keeping company with books than with men, eſpeciallly of late years; and men of ſuch habits are generally more worthily employed than in mixing in factions which tend to convulſe a State.

There is another circumſtance certainly fit to be conſidered, in the caſe of Mr. Horne Tooke, and that is, it is not a ſecret, for it appears from the evidence of Adams, that declining health and infirmities coming upon him, has induced him very much to withdraw from ſociety, and from much of that ſort of public buſineſs that he uſed to be engaged in. The evidence is, that he cultivates his garden; he wiſhes never to be removed from it; to have an Act of Parliament to confine him there for his life; he ſees hardly any body, but of a Sunday, and then it is a mixed company: undoubtedly, therefore, reaſoning upon thoſe principles which commonly direct the conduct of mankind, one ſhould imagine that Mr. Horne Tooke, with his principles, his habits, and his infirmities, would, in truth, be the laſt man in England that could be juſtly ſuſpected of being engaged in a conſpiracy of this kind.

Gentlemen, the reply, I am ſorry to ſay, has made ſome impreſſion upon this defence, which, on the firſt view of it, ſeems to be the ſtrongeſt kind of defence that could be ſtated in a caſe of this nature, where ſo much was to depend upon the general ſentiments, opinions, and habits of life, of the perſon who is accuſed; but, in the reply, it is obſerved, that with theſe principles, with theſe habits, and even under the preſſure of theſe infirmities, Mr. Horne Tooke, the priſoner at the bar, is found actually dealing in theſe ſubjects, by his intercourſe with Hardy, by his interference with the papers of the Society, but, above all, by thoſe more public demonſtrations to be collected from the Addreſs to the Jacobins, from the Addreſs to the National Convention, and from the unfortunate publication in which, in his own hand, he ſays, "That Liberty is making Herculean "efforts, and thoſe vipers, Monarchy and Ariſtocracy, are pant-

"ing and writhing under its graſp," which are a direct violation of all his profeſſed principles: I ſay he is found dealing in theſe ſubjects, in a way which his principles ought to have preſerved him from; and therefore it is inſiſted upon, on the part of the Attorney General, that had his defence been conſiſtent, and had it applied to carry him throughout all the facts, it ought to have had its full weight, but that inaſmuch as with theſe principles of loyalty, with theſe habits of ſtudy, and in the ſituation he is in of health, he has done all theſe things, what can you conclude from thoſe principles, and from thoſe habits? You cannot ſay that he has not been a party in theſe meaſures, becauſe it is too evident that, as to many of them, he has been a party in them, and an active party in them, and they are very difficult to be explained. Now, Gentlemen, we come to the concluſion.

This charge againſt this gentleman reſts upon the impreſſions which his conduct in theſe Societies, from the beginning, or from perhaps the middle of the year 1791, down to the time when theſe reſolutions paſſed for this National Convention, ſhall have made on your minds, upon the evidence they afford of the real intent of his mind in agreeing to that Convention, and as to the object of that Convention. If you ſhould be of opinion that, notwithſtanding the firſt impreſſion which theſe circumſtances have made upon your minds, and muſt, I think, certainly make upon every man's mind who has heard the caſe, conſidering the nature of the enterprize, and conſidering the actual ſituation of the means by which it was to be effected, taken together with the evidence of his principles, his habits of life, and his ſituation in point of health, that you are bound to refer all theſe tranſactions to other objects, and you ſhould conclude to form your judgment as to his intent in theſe meaſures, in which he has been engaged, rather from theſe domeſtic parts of his character, than from thoſe in which he has acted with others in public; then you may ſay, that however ſuſpicious this caſe is, this conſpiracy is not made out againſt him, and that this priſoner is not guilty; if you ſhould ſee the caſe clearly in the other light, then you will do that which the juſtice of your Country calls upon you to do.

I wiſh heartily that Mr. Tooke had put this caſe really beyond all ſuſpicion, becauſe I ſee, with great regret, a man of his cultivated underſtanding, of his habits, of his capacity to be uſeful to mankind; a man ſupported by the evidence of that venerable Prelate, the Biſhop of Glouceſter, who, I am ſure, would flatter no man; I ſay, I ſhould have been heartily rejoiced if he could have put this caſe beyond all ſuſpicion, but I cannot ſay that he has done ſo. There certainly is a great deal to be explained, which I am not able explain, and I am at this moment totally unable to develope the character and conduct of this gentleman; but that goes but a little way upon the queſtion, whether he is guilty or innocent of this indictment; that you will judge of by the reſult of the evidence, and the clear impreſſion that that reſult ſhall make upon your minds. I repeat that you have a very ſerious duty impoſed upon you; but, after the pains you have taken to make yourſelves maſters of the caſe, it is a duty you will diſcharge with ſatisfaction to your own conſciences, and, conſequently, with ſatisfaction to your Country.

The Jury withdrew at about ten minutes before eight o'clock in the evening, and returned into Court in about eight minutes.

Clerk of the Arraigns. John Horne Tooke, hold up your hand—Gentlemen of the Jury, look upon the priſoner—How ſay you, is John Horne Tooke guilty of the High Treaſon whereof he ſtands indicted, or not guilty?

Foreman. Not guilty.

Clerk of the Arraigns. Did he fly for it?

Foreman. Not that we know of.

Mr. Tooke. My mind, my Lord, is much better formed to feel and to acknowledge kindneſs than to ſolicit it. I deſire to return my moſt ſincere thanks to your Lordſhip, and to the Bench, for the conduct which you have held towards me, during the whole of this tedious trial.

Gentlemen of the Jury, you have afforded a juſt protection to my life: I thank you for it; and give me leave to tell you

two things, which will encreaſe your ſatisfaction as long as you live. We ſhall both have done good to our Country. When I have told you two facts, one of which it was impoſſible I ſhould tell you before, and the other it was unfit that I ſhould tell you before. I am ſure we ſhall never ſee ſuch a trial as this again. My caution, and my virtue, for at this moment I will place it to myſelf, are the cauſe of thoſe ſuſpicions which dwelt upon his Lordſhip's mind; his ſagacity and integrity aſſiſted him to clear many things up to you; but the whole ſuſpicion has ariſen from this—I was anxious for the proper conduct of other men; and if I could have foreſeen, what I never could foreſee, till the Attorney General made his reply——

[Here Mr. Tooke was interrupted, by the breaking down of part of the Student's Gallery; when the diſorder had ſubſided, he proceeded.]

Gentlemen, this will help to direct your conduct through life; and it will help other Jurymen likewiſe, to reſtrict this kind of guilt, by inference. His Lordſhip did ſee ſome part of it, and, with great candour, he mentioned it to you. The fact ſtands thus—being rarely preſent at theſe meetings, when my name appears in the books, I was anxious for the ſafety of a very honeſt, but not a very able man. The Secretary repeatedly brought to me papers, which the Society had received, which were ordered for publication, and were afterwards put in the newſpapers; and when I ſaw a word which was capable of cauſing a proſecution for a libel, I took the paper, and, with my hand, ſtruck out the exceptionable words, and inſerted others which would avoid the danger of a proſecution. Upon this is built all that apprehenſion and ſuſpicion of the direction, and conduct, and originating of Societies, with none of whom, nor with any of the individuals of whom, did I ever correſpond, or communicate, at all. I know none of theſe Country Societies, nor an individual belonging to them. I did not know theſe London Societies, except as candidate for the City of Weſtminſter. Every man who came to me, of every opinion whatever, if he aſked my opinion, I corrected his works. A gentleman in Court wrote a book againſt me; I corrected the book

myſelf; I do not mention it to juſtify myſelf, becauſe a Jury of my Country have juſtified me quickly, clearly, and nobly; but I mention it for the ſake of that law, upon which the blood, and the family, and the character of men, depend. There never ſtood a man before your Lordſhip more free from rational foundation of ſuſpicion, upon this ground, than I ſtand before you. If you examine all the papers—if the Attorney General will look at them again with this key, he will find it ſo. If the Solicitor General had ſtated in his opening, what the Attorney General did, when your Lordſhip had properly cloſed my mouth, I ſhould have explained it; but I obeyed your direction; and with confidence I truſted my life with that Jury. If I had been permitted, I could have explained that which was thought the ſtrongeſt evidence againſt me. There was one paper, where the word "Government" was ſtruck out, and "Country" put in. "Radical reform of the Government" might mean to pull up Government by the roots; "radical reform of the Country" could mean no ſuch thing;—no man will be charged with pulling the Country up by the roots. The paper was forgotten; I recollected it, when it was read. I had not foreſeen the nature of the charges, and inferences, to be uſed againſt me, to make me a traitor; it is impoſſible I could foreſee them. To prevent the proſecution of other perſons for libel, I have ſuffered a proſecution for high treaſon. I return your Lordſhip thanks—I return my Counſel thanks, my noble friend Mr. Erſkine, who has been ſo nobly ſupported by Mr. Gibbs;—and you, Gentlemen of the Jury, I return you my thanks. I am glad I have been proſecuted; and I hope this will make the Attorney General more cautious in future; he ſaid he would have no treaſon by conſtruction; and there is no ſuſpicion againſt me but by conſtruction and inference.

Mr. Tooke was immediately diſcharged.

The Jury were not permitted to ſeparate, from the time of being ſworn on the trial, till after they had delivered their verdict. They ſlept at the London Coffee Houſe every night, attended by the proper officers of the Court, ſworn in the uſual form.

TABLE OF CONTENTS,

VOLUME THE FIRST,

Page

THE Judges preſent 3
The Counſel for the Crown, and for the Priſoner ..... ib.
Argument on Mr. Tooke's requeſting to be removed from the outer Bar 4
The Pannel of the Petit Jury with the Challenges 7
The Jury ſworn 21
Mr. *Solicitor General*'s Speech in opening the Caſe 22
Thomas Maclean's Examination 81
William Woodfall's Examination ..... ib.
——— Croſs-examination 82
Proceedings of the Conſtitutional Society, March 28, 1794 85
Objection to the Admiſſibility of Evidence, and Argument thereon ..... ib.
Daniel Adams's Examination 97
——— Croſs-examination 99
——— Examination reſumed 129
——— Croſs-examination 143
Proceedings of the Conſtitutional Society, March 23, 1791— 145
———, April 1, 1791 146
Thomas Chapman's Examination ..... ib.
Extracts from the Firſt Part of the Rights of Man 147
Proceedings of the Conſtitutional Society, July 22, 1791 148
Addreſs from the Society at Nantes, to the Friends of Liberty aſſembled at London, on the 14th of July, 1791, to celebrate the French Revolution 148
Thomas Chapman's Croſs-examination 150
John Thompſon's Examination 151
Addreſs and Declaration of a Select Meeting of the Friends of Univerſal Peace and Liberty ..... ib.

James

Page
James Thornton's Examination 155
Letter from T. Cooper, Bolton, Lancaſhire, to I. H. Tooke ib.
———— T. Cooper, Manchester, Auguſt 29, 1791 157
John Gurnell's Examination 159
Preamble and Reſolutions for the Formation of the London Correſponding Society 160
Proceedings of the Conſtitutional Society, March 9, 1792 ..... ib.
Objection to the Admiſſibility of Evidence, and Argument thereon ..... ib.
Letter from Samuel Aſhton, at Sheffield, to the Conſtitutional Society, March 14, 1792 167
Argument on the Propriety of adjourning the Court ..... ib.
Tueſday, November 18 173
Letter from Samuel Aſhton, to the Conſtitutional Society ..... ib.
Proceedings of the Conſtitutional Society, March 16, 1792 174
Communication from the Manchester Society, March 13, 1792 ib.
Proceedings of the Conſtitutional Society, March 23, 1792 176
Communication from the Sheffield Society, March 14, 1792 ib.
Proceedings of the Conſtitutional Society, March 30, 1792 178
Communication from the London Correſponding Society 179
Draft of a Letter ſigned D. A. 181
Proceedings of the Conſtitutional Society, April 20, 1792 182
———— Friends of the People at the Three Tuns, Southwark, April 19, 1792 ..... ib.
———— Conſtitutional Society, April 27, 1792 185
Letter from the Conſtitutional Society to the Friends of the People at Free Maſons Tavern 186
Anſwer to the above, ſigned by Lord John Ruſſel, dated May 12, 1792 188
Proceedings of the Friends of the People at Free Maſons Tavern, May 12, 1792 191
———— Delegates of the United Conſtitutional Societies at Norwich, March 24, 1792 192
———— Conſtitutional Society, May 4, 1792 193
Letter from Thomas Goff, at Norwich, to the Conſtitutional Society, April 26, 1792 194
Draft of a Letter from I. Martin, to the Conſtitutional Society 197

Page
Proceedings of the Conſtitutional Society, May 11, 1792..... ib.
Addreſs from the Conſtitutional Society, to the Jacobins at Paris 198
Proceedings of the Conſtitutional Society, May 18, 1792..... 200
Letter from Thomas Paine to the Conſtitutional Society, May 18, 1792..... ib.
Extract from a Book, containing the general Receipts and Diſburſements of the Conſtitutional Society..... 202
Proceedings of the Conſtitutional Society, May 25, 1792..... 203
Extract from a Book, containing the general Receipts and Diſburſements of the Conſtitutional Society..... 204
Letter from T. Hardy, to the Conſtitutional Society, May 24, 1792 205
Proceedings of the Conſtitutional Society, June 1, 1792..... ib.
Letter from M. Margarot and T. Hardy, to the Conſtitutional Society, May 31, 1792..... 206
Proceedings of the Conſtitutional Society, June 8, 1792..... 208
Remainder of the Proceedings of the Conſtitutional Society of May 25, 1792..... ib.
Proceedings of the Conſtitutional Society, June 15, 1792..... 211
——————————, June 22, 1792..... 213
Thomas Chapman's Examination..... 214
Jeremiah Samuel Jordan's Examination..... 215
—————— Croſs-examination..... 219
Extracts from the Second Part of the Rights of Man..... 221
Proceedings of the Conſtitutional Society, June 29, 1792..... ib.
——————————, July 8, 1792..... 223
Letter from T. Hardy, to D. Adams, July 6, 1792..... 224
—————— T. Paine, to Mr. Secretary Dundas, June 6, 1792 ib.
Proceedings of the Conſtitutional Society, July 13, 1792..... 238
Letter from T. Hardy, to I. H. Tooke, July 24, 1792..... 239
——————————, Auguſt 8, 1792..... 240
John Thomſon's Croſs-examination..... ib.
Letter from M. Margarot, to I. H. Tooke, Sept. 15, 1792..... 242
James Thornton's Croſs-examination..... 243
Letter from T. Hardy, to I. H. Tooke, Sept. 16, 1792..... 244
Proceedings of the Conſtitutional Society, Sept. 28, 1792..... 245
——————————, October 5, 1792..... ib.

Letter

Page
Letter from D. Adams, to T. Hardy, October 3, 1792 245
Addreſs from the London Correſponding Society, to the Inhabitants of Great Britain, on the Subject of a Parliamentary Reform, Auguſt 6, 1792 246
Proceedings of the Conſtitutional Society, October 12, 1792 ib.
———————————, October 19, 1792 ib.
———————————, October 26, 1792 ib.
———————————, November 2, 1792 ib.
———————————, November 9, 1792 247
Letter from J. Barlow, and I. Froſt, to the Conſtitutional Society, Paris, November 29, 1792 ..... ib
J. Barlow's, and I. Froſt's Addreſs at the Bar of the French National Convention ..... ib.
The Preſident's Anſwer ..... ib.
Draft of an Addreſs to the Preſident of the French Convention 248
Draft of a Letter from Mr. Tooke, to the Mayor of Paris ..... ib.
Letter from Petion, to the Society of the Friends of the Revolution, October 6 ..... ib.
Proceedings of the Conſtitutional Society, December 14, 1792 ib.
Letter from the Society of the Friends of Liberty and Equality at Laôn, to the Conſtitutional Society, December 2, 1792 249
Proceedings of the Conſtitutional Society, December 21, 1792 ib.
———————————, October 5, 1792 250
———————————, October 12, 1792 ib.
Joſeph Johnſon's Examination ..... ib
Extracts from J. Barlow's Letter, to the National Convention of France 251
Proceedings of the Conſtitutional Society, October 19, 1792 ib.
Letter from the Editors of the Patriot, at Sheffield, to the Conſtitutional Society, October 15, 1792 ..... ib.
Extract of a Letter from the Editors of the Patriot, to Mr. Andrews, at Stockport, October 13, 1792 254
Proceedings of the Conſtitutional Society, November 2, 1792 ib.
———————————, November 9, 1792 255
Draft of a Letter from the Conſtitutional Society, to the Editors of the Patriot, at Sheffield 256

Letter

Page

Letter from P. W. Froſt, at Stockport, to T. Hardy: received September 27, 1792 — 256

——— M. Margarot, to Mr. J. Heamer, at Stockport, October 11, 1792 — 257

——— the Revolution Society, at Norwich, to T. Hardy, November 11, 1793 — ib.

The Anſwer, by M. Margarot — 258

Proceedings of the Conſtitutional Society, January 18, 1793 — 258

———, January 25, 1793 — ib.

———, February 1, 1793 — ib.

Joſeph Deboffe's Examination — 259

——— Croſs-examination — ib.

Extracts from the Speeches of Barrere and Saint André — 261

Proceedings of the Conſtitutional Society, March 15, 1793 — ib.

———, March 22, 1793 — ib.

———, March 29, 1793 — 263

———, April 5, 1793 — ib.

———, April 12, 1793 — ib.

Letter from J. Broughton, Norwich, to the Conſtitutional Society, March 25, 1793 — ib.

Thomas Wagſtaffe's Examination — ib.

Draft of a Letter found in poſſeſſion of D. Adams — 264

——— from M. Margarot and T. Hardy to W. Skirving, May 17th, 1793 — ib.

Anſwer to the above by W. Skirving, May 25th, 1793 — 265

Proceedings of the Conſtitutional Society, June 28th, 1793 — ib.

Letter from the Political Societies at Norwich, to T. Hardy, received June 25th, 1793 — ib.

Draft of an Anſwer to the above, ſigned M. M. and T. H. July 25th, 1793 — 266

Letter from A. Calender, at Edinburgh, to T. Hardy, October 5th, 1793 — ib.

Proceedings of the Conſtitutional Society, October 25th, 1793 — ib.

———, October 28th, 1793 — ib.

Extracts from the Proceedings of the Britiſh Convention, at Edinburgh — 268

Proceedings of the Conſtitutional Society, January 10th, 1794 — 269

———, January 17th, 1794 — 270

Letter

Page
Letter from T. Hardy to D. Adams, January 10th, 1794 273
Proceedings of the Conſtitutional Society, January 24th, 1794 ib.
James Davidſon's Examination 275
Proceedings of the London Correſponding Society, January 20th, 1794 ..... ib.
Letter from T. Hardy to D. Adams, January 24th, 1794 276
William Walker's Examination ..... ib.
Letter from I. Martin to M. Margarot, at Edinburgh, January 22d, 1794 ..... ib.
James Walſh's Examination ..... ib.
Letter from T. Hardy found in poſſeſſion of J. Saint, at Norwich, January 11th, 1794 277
———————————, January 28th, 1794 ib.
Proceedings of the Conſtitutional Society, February 7th, 1794 278
Another Extract from the ſame Proceedings 279
Draft of a Letter ſoliciting Subſcriptions for C. Sinclair, ſigned John Horne Tooke 280
Proceedings of the Conſtitutional Society, February 14th, 1794 281
———————————, March 7th, 1794 282
Letter from M. Margarot to the Norwich Societies, Edinburgh, November 24th, 1793 283
———————————, Spithead, March 10th, 1794 286
Wedneſday, November 19th 289
Letter from Samuel Aſhton, at Sheffield, to D. Adams, May 26th, 1797 ..... ib.
Letter from the London Correſponding Society to W. Camage, at Sheffield, March 4th, 1793 290
——————— M. Margarot and T. Hardy to I. Kilminſter, at Birmingham, June 10th, 1793 ..... ib.
——————— T. Hardy to W. Skirving, October 5th, 1793 ..... ib.
Certificates of M. Margarot's and Joſeph Gerald's election as Delegates to the Britiſh Convention at Edinburgh, October 24th, 1793 ..... ib.
Proceedings of the Conſtitutional Society, November 8th, 1793 291
Letter from M. C. Brown, at Sheffield, to D. Adams, November 1ſt, 1793 ..... ib.

Extract

Page

Extract from the Proceedings of the British Convention, at Edinburgh 294
Further Extract from the above 295
Letter from C. Hundley, at Leeds, to D. Adams, November 5th, 1793 ..... ib.
——— T. Hardy to the Norwich Society, November 23d, 1793 296
Proceedings of the Constitutional Society, December 6th, 1793 298
Letter from C. Sinclair, at Edinburgh, to D. Adams, November 7th, 1793 299
———————, November 12th, 1793 302
——— W. Skirving to D. Adams, November 7th 1793 303
——— M. Margarot to T. Hardy, January 24th, 1794 304
The Reverend Richard Williams's Examination 305
Letter from I. Thelwall to Citizen Jack Vellam ..... ib.
Proceedings of the Constitutional Society, March 21st, 1794 307
———————, March 28th, 1794 308
Letter from T. Hardy to D. Adams, April 3d 1794 ..... ib.
Proceedings of the Constitutional Society, April 4th, 1794 309
Alexander Grant's Examination ..... ib.
Proceedings of the Constitutional Society, April 11th, 1794 311
Letter from T. Hardy to D. Adams, April 10th, 1794 315
Circular Letter signed T. Hardy ..... ib.
Letter from A. Mitchell, at Strathaven, to T. Hardy, April 9th, 1794 316
Extract from the Proceedings of the Norwich Society, February 24, 1794 ..... ib.
Letter from the Bristol Constitutional Society, to T. Hardy, April 24, 1794 ..... ib.
——— Newcastle upon Tyne, to T. Hardy, April 24, 1794 317
Draft of a Letter, purporting to be an Answer to the above, May 1, 1794 ..... ib.
William Tims's Examination 318
Extract from a Book, containing the general Receipts and Disbursements of the Constitutional Society, March 14, 1794 ib.

Letter

Page

Letter from I. Thelwall, to D. Adams 318
William Broomhead's Examination 319
Extracts from Proceedings at the Public Meeting held at Sheffield, in the open Air, April 7, 1794 322
William Broomhead's Croſs-examination 323
——— Re-examination 324
George Widdiſon's Examination 325
——— Croſs-examination 330
——— Re-examination 333
Letter from Richard Daviſon, at Sheffield, to T. Hardy, April 24, 1794 337
——— Daviſon, enclosed in the above, directed to the Secretary of the Norwich Patriotic Society 338
George Widdiſon's Re-examination continued ..... ib.
Charles Schaw's Examination 339
Evan Evans's Examination 340
——— Croſs-examination ..... ib.
William Walker's Examination 343
Draft of Reſolutions prepared for the Meeting of the Correſponding Society on the 14th of April, 1794 ..... ib.
Proceedings of the London Correſponding Society at Chalk Farm, on the 14th of April, 1794 ..... ib.
Proceedings of the Conſtitutional Society, May 9, 1794 344
A Pamphlet containing "Certain Proceedings of the Conſtitutional Society" ..... ib.
William Sharpe's Examination ..... ib.
——— Croſs-examination 346
Letter from J. Joyce, to I. H. Tooke 350
William Sharpe's Croſs-examination continued 351
Chriſtopher Hull's Examination 359
Extracts from the Report of the Committee of Conſtitution of the London Correſponding Society 361
Mr. Felix Vaughan's Certificate as a Delegate for a Diviſion of the London Correſponding Society ..... ib.
Letter from T. Paine, to the People of France, Paris, September 25, Firſt Year of the Republic ..... ib.
Mr. *Erſkine*'s Speech 362

Thurſday,

CONTENTS

Page

Thurſday, November 20 451
Major Cartwright's Examination by Mr. Erſkine ..... ib.
——— by Mr. Tooke 462

VOLUME THE SECOND.

Major Cartwright's Croſs-examination 5
——— Re-examination 14
The Duke of Richmond's Letter to Lieutenant-Colonel Sharman 17
The Duke of Richmond's Examination 18
Objection to the Admiſſibility of Evidence, and Argument thereon ..... ib.
Extracts from Mr. Tooke's Letter to Lord Aſhburton, May 10, 1782 40
Major Cartwright's Examination, reſumed 46
Mr. Fox's Examination 52
——— Croſs-examination 53
Mr. Francis's Examination 54
——— Croſs-examination 56
——— Re-examination, by Mr. Erſkine 58
——— Re-examination, by Mr. Tooke ..... ib.
The Duke of Richmond's Examination, reſumed 59
Mr. Pitt's Examination 66
——— Croſs-examination 72
Mr. Sheridan's Examination, by Mr. Erſkine 74
——— by Mr. Tooke 77
——— Croſs-examination 80
——— Re-examination 83
Earl Stanhope's Examination 85
——— Croſs-examination 92
The Reverend Chriſtopher Wyvill's Examination 92
——— Croſs-examination 96
Mr. Macnamara's Examination by Mr. Erſkine 97
——— by Mr. Tooke 99
——— Croſs-examination 101
——— Re-examination 103

Mr.

VOLUME THE SECOND.

Page

Mr. Fielding's Examination by Mr. Erſkine 104
——— by Mr. Tooke 105
——— Croſs-examination 108
Lord Frederick Campbell's Examination 109
Earl Camden's Examination 111
——— Croſs-examination 114
Mr. Beaufoy's Examination ..... ib.
——— Croſs-examination 118
Mr. Symonds's Examination 121
——— Croſs-examination 130
Lieutenant-Colenel Money's Examination 140
Mr. Maxwell's Examination, by Mr. Erſkine 142
———, by Mr. Tooke 143
——— Croſs-examination 144
——— Re-examination ..... ib.
Mr. May's Examination 145
——— Croſs-examination 146
Captain Tooke Harwood's Examination ..... ib.
——— Croſs-examination 147
——— Re-examination 154
Mr. Rous's Examination ..... ib.
The Biſhop of Glouceſter's Examination 160

Friday, November 21ſt 165
The Minutes of the Acquittal of Thomas Hardy 168
Mr. *Gibbs's* Speech 169
Mr. *Attorney General's* Reply 232
Lord Chief Juſtice Eyre's ſumming up 308

Saturday, November 22d 335
Lord Chief Juſtice Eyre's ſumming up, continued ..... ib.